



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART IV **E+W**

### REGISTRATION OF MARRIAGES

#### 53 **Persons by whom marriages are to be registered.** **E+W**

Subject to the provisions of Part V of this Act, a marriage shall be registered in accordance with the provisions of this Part of this Act by the following person, that is to say,—

- (a) in the case of a marriage solemnized according to the rites of the Church of England, by the clergyman by whom the marriage is solemnized;
- (b) in the case of a marriage solemnized according to the usages of the Society of Friends, by the registering officer of that Society appointed for the district in which the marriage is solemnized;
- (c) in the case of a marriage solemnized according to the usages of persons professing the Jewish <sup>[F1]</sup>religion—
  - (i) where the parties to the marriage are both members of the same synagogue, the marriage shall be registered by the secretary of that synagogue; and
  - (ii) where the parties to the marriage are members of different synagogues, the marriage shall be registered by the secretary of whichever of those synagogues the parties to the marriage nominate;]
- (d) in the case of a marriage solemnized in a registered building <sup>[F2]</sup>or at a person's residence] in the presence of a registrar, by that registrar;
- (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, by the authorised person in whose presence the marriage is solemnized;
- (f) in the case of a marriage solemnized in the office of a superintendent registrar, by the registrar in whose presence the marriage is solemnized.
- <sup>[F3]</sup>(g) in the case of a marriage solemnized on approved premises in pursuance of section 26(1)(bb) of this Act, by the registrar in whose presence the marriage is solemnized.]

*Status: Point in time view as at 27/03/2021.*

*Changes to legislation: Marriage Act 1949, Part IV is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 53(c) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 16](#); S.I. 2014/93, art. 3(k)(i)
- F2** Words in s. 53(d) inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 16](#)
- F3** S. 53(g) added (1.4.1995) by [1994 c. 34, s. 1\(3\), Sch. para. 6](#); S.I. 1995/424, art. 2(2)(c)

### [<sup>F4</sup>53A Register of marriages **E+W**

- (1) The Registrar General must maintain a register for the recording of information relating to marriages and the registration of marriages, which is to be known as the “marriage register”.
- (2) The marriage register must be accessible in electronic form.
- (3) Where a marriage is registered under section 53D(10)(a), the entry must be available to—
  - (a) the Registrar General, and
  - (b) the superintendent registrar in whose registration district the marriage was solemnized,
 immediately after the entry has been made.
- (4) Subject to subsection (5), information entered in the marriage register under any provision of this Act other than sections 29(1) or 53D(10)(a) must not be made available to the Registrar General.
- (5) Subsection (4) does not apply to information entered in the marriage register under section 27(4) where the superintendent registrar who entered the information has agreed that it may be made available.

#### Textual Amendments

- F4** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), regs. 1\(2\)\(4\)\(b\)\(5\)\(a\), 7](#) (with [Sch. 2](#))

### 53B Signing of a marriage document **E+W**

- (1) This section applies to a marriage solemnized—
  - (a) after the publication of banns,
  - (b) on the authority of a special licence, or
  - (c) on the authority of a common licence.
- (2) Before the marriage document is signed, the clergyman by whom the marriage is to be or has been solemnized may ask the parties to the marriage questions regarding the contents of the marriage document.
- (3) The parties to a marriage to which this section applies must sign the marriage document, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—
  - (a) each other,

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- (b) the clergyman by whom the marriage was solemnized, and
  - (c) two witnesses.
- (4) Immediately after the marriage document has been signed in accordance with subsection (3) it must also be signed in the presence of the parties to the marriage and each other by—
- (a) the clergyman by whom the marriage was solemnized, and
  - (b) the two witnesses.

#### Textual Amendments

- F4** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with [Sch. 2](#))

### 53C Signing of a marriage schedule **E+W**

- (1) This section applies to a marriage solemnized on the authority of a marriage schedule.
- (2) Before the marriage schedule is signed, the specified person may ask the parties to the marriage questions regarding the contents of the marriage schedule.
- (3) In the case of a marriage according to the usages of the Society of Friends or according to the usages of the Jews, before the specified person signs the marriage schedule, the specified person must be satisfied that the proceedings in relation to the marriage were conformable to the usages of the said Society or (as the case may be) to the usages of the Jews.
- (4) Subsections (2) and (3) apply whether or not the specified person was present at the marriage.
- (5) The parties to a marriage to which this section applies must sign the marriage schedule, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—
  - (a) each other,
  - (b) the specified person,
  - (c) (if different to the specified person) the person by or before whom the marriage was solemnized, and
  - (d) two witnesses.
- (6) Immediately after the marriage schedule has been signed in accordance with subsection (5), the specified person, the person by or before whom the marriage was solemnized (if different to the specified person) and the two witnesses must sign the marriage schedule in the presence of the parties to the marriage and each other.
- (7) In the case of a marriage solemnized according to the usages of the Society of Friends or according to the usages of the Jews where the specified person is not present at the solemnization of the marriage—
  - (a) the persons referred to in subsection (5)(a), (c) and (d) may sign the marriage schedule without being in the presence of the specified person;

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- (b) the specified person must sign the marriage schedule as soon as is convenient after the persons referred to in subsection (5)(a), (c) and (d) have signed the marriage schedule;
  - (c) the specified person may sign the marriage schedule without being in the presence of the persons referred to in subsection (5)(a), (c) and (d).
- (8) For the purposes of this Part, the specified person is—
- (a) in the case of a marriage solemnized according to the rites of the Church of England, the clergyman by whom the marriage is solemnized;
  - (b) in the case of a marriage solemnized according to the usages of the Society of Friends, an officer of that Society;
  - (c) in the case of a marriage solemnized according to the usages of the Jews—
    - (i) where the parties to the marriage are both members of the same synagogue, a secretary of that synagogue, or
    - (ii) where the parties to the marriage are members of different synagogues, a secretary of whichever of those synagogues the parties to the marriage nominate;
  - (d) in the case of a marriage solemnized in the presence of a registrar, that registrar;
  - (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is solemnized.

#### Textual Amendments

- F4** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with Sch. 2)

### 53D Registration of marriage **E+W**

- (1) Subsection (2) applies in the case of a marriage that is solemnized—
  - (a) after the publication of banns,
  - (b) on the authority of a special licence, or
  - (c) on the authority of a common licence.
- (2) Once the marriage document for the marriage is signed in accordance with section 53B, the clergyman who solemnized the marriage must ensure that the marriage document is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document was completed.
- (3) In the case of a marriage that is solemnized on the authority of a marriage schedule—
  - (a) where the marriage is attended by a registrar, that registrar must take custody of the marriage schedule once it is signed in accordance with section 53C;
  - (b) otherwise, once the marriage schedule is signed in accordance with section 53C, the specified person must ensure that it is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage schedule was completed.

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- (4) The duty imposed by subsections (2) or (3)(b) to ensure the marriage document or (as the case may be) marriage schedule is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (5) Subsection (6) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document or marriage schedule was completed.
- (6) A registrar in the registration district in which the marriage was solemnized may issue a notice, in any form, and with any content, that may be prescribed, to the specified person requiring them to deliver the marriage document or (as the case may be) marriage schedule to a registrar, in that registration district, within 8 days beginning with the day on which the notice is issued.
- (7) Subsection (8) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered in accordance with a notice issued under subsection (6).
- (8) A registrar in the registration district in which the marriage was solemnized may issue a further notice, in any form, and with any content, that may be prescribed, to the specified person, requiring the personal attendance of the specified person at premises in the registration district in which the marriage was solemnized, for the purpose of—
  - (a) delivering the signed marriage document or (as the case may be) marriage schedule to the registrar, or
  - (b) if the specified person is not able to do so, explaining to the registrar why this is the case.
- (9) A specified person who is issued with a notice under subsection (8) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.
- (10) A registrar who has a signed marriage document or marriage schedule—
  - (a) must, as soon as reasonably practicable, register the marriage by entering the particulars in the marriage document or marriage schedule into the marriage register;
  - (b) may issue a certified copy of the entry in the marriage register.
- (11) Information regarding a signed marriage document or marriage schedule may be provided by a registrar for the registration district in which the marriage was solemnized to a specified person in that registration district for the purposes of establishing—
  - (a) whether the marriage document or marriage schedule is authentic, or
  - (b) whether every marriage document signed under section 53B and every marriage schedule signed under section 53C in that registration district has been registered under subsection (10).
- (12) Where a registrar has provided information to a specified person in accordance with subsection (11), that specified person may, for any of the purposes mentioned in that subsection, provide that registrar with information regarding any marriage document or marriage schedule signed or alleged to have been signed in the registration district concerned.

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### Textual Amendments

**F4** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with [Sch. 2](#))

## 53E Registration of marriage where documentation lost or destroyed E+W

- (1) This section applies where the Registrar General is satisfied that—
  - (a) a marriage has been solemnized, and
  - (b) the marriage document or (as the case may be) the marriage schedule in respect of the marriage has been lost or destroyed.
- (2) In the case of a marriage document, the Registrar General may direct a relevant church official, in writing, to—
  - (a) reproduce the marriage document, and
  - (b) arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
    - (i) the relevant church official, and
    - (ii) the relevant original signatories.
- (3) The relevant church official to whom the direction is given under subsection (2) must—
  - (a) ensure that the reproduction, signed in accordance with subsection (2)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
  - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (4) In the case of a marriage schedule, the Registrar General may direct the superintendent registrar for the registration district in which the marriage was solemnized, in writing, to—
  - (a) reproduce the marriage schedule, and
  - (b) provide the reproduction to a relevant person and require them in writing to arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
    - (i) the relevant person, and
    - (ii) the relevant original signatories.
- (5) If the relevant person to whom the reproduction is provided under subsection (4)(b) is not a registrar, the relevant person must—
  - (a) ensure that the reproduction, signed in accordance with subsection (4)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
  - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (6) The duty imposed by subsection (3)(a) or (5)(a) to ensure a reproduction is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (7) Subsection (8) applies if—

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- (a) the Registrar General gives a direction under subsection (2) or (4), and
  - (b) the reproduction is not in the possession of a relevant registrar at the end of the period of 21 days beginning with the first day after the end of the signing period.
- (8) A relevant registrar may issue a notice, in any form, and with any content, that may be prescribed, to (as the case may be)—
- (a) the relevant church official to whom the direction was given, or
  - (b) the relevant person to whom the reproduction was provided,
- requiring the reproduction to be delivered to the registrar within 8 days beginning with the day on which the notice is issued.
- (9) Subsection (10) applies if the reproduction is not delivered in accordance with the notice issued under subsection (8).
- (10) A relevant registrar may issue a further notice, in any form, and with any content, that may be prescribed, to the relevant church official or (as the case may be) relevant person, requiring the personal attendance of the official or (as the case may be) relevant person at premises in the registration district in which the marriage was solemnized, for the purpose of—
- (a) delivering the reproduction, signed so far as is reasonably practicable by the original signatories, to the registrar, or
  - (b) if the official or (as the case may be) relevant person is not able to do so, explaining why this is the case.
- (11) A person who is issued with a notice under subsection (10) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.
- (12) Where a registrar is satisfied that, so far as is reasonably practicable, a marriage document or marriage schedule reproduced under this section has been signed by the persons mentioned in subsection (2)(b) or (as the case may be) (4)(b), the reproduction is to be treated as a signed marriage document or (as the case may be) marriage schedule for all purposes under this Act (and see, in particular, subsections (10) to (12) of section 53D).
- (13) In this section—
- “relevant church official”, in relation to a marriage document, means—
    - (a) the clergyman who solemnized the marriage, or
    - (b) if the Registrar General is satisfied that clergyman is not available to carry out the direction under subsection (2), a person appointed by the bishop of the diocese to carry out such directions;
  - “relevant original signatories” means—
    - (a) in relation to a marriage document, the parties to the marriage and the witnesses, who signed the first marriage document in accordance with section 53B;
    - (b) in relation to a marriage schedule, the parties to the marriage, the person by or before whom the marriage was solemnized if different to the specified person in relation to the marriage and the two witnesses, who signed the first marriage schedule in accordance with section 53C;
  - “relevant person”, in relation to a marriage schedule, means—
    - (a) the specified person in relation to the marriage,

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- (b) if the superintendent registrar to whom the direction is given under subsection (4) is satisfied that the specified person is not available to arrange for the reproduction to be signed by the original signatories—
- (i) in the case of a marriage solemnized according to the rites of the Church of England, a person appointed by the bishop of the diocese to carry out the functions of a relevant person under this section,
  - (ii) in the case of a marriage solemnized according to the usages of the Society of Friends, another officer of that Society in the registration district in which the marriage was solemnized,
  - (iii) in the case of a marriage solemnized according to the usages of the Jews where both parties to the marriage are members of the same synagogue, another secretary of that synagogue,
  - (iv) in the case of a marriage solemnized according to the usages of the Jews where the parties to the marriage are members of different synagogues, a secretary for either of those synagogues,
  - (v) in the case of a marriage solemnized in a registered building without the presence of a registrar, an authorised person in relation to that building or of some other registered building in the same registration district or a registrar of that district, or
- (c) if the superintendent registrar is satisfied that there is no person falling within paragraph (a) or (b) available to arrange for the reproduction to be signed by the original signatories, a registrar in the registration district in which the marriage was solemnized;
- “relevant registrar” means a registrar in the registration district in which the marriage was solemnized;
- “the signing period” means 28 days beginning with—
- (a) in the case of a marriage document, the day on which the Registrar General gives the direction under subsection (2);
  - (b) in the case of a marriage schedule, the day on which the superintendent registrar provides the reproduction to a relevant person and requires them in writing to arrange for the reproduction to be signed under subsection (4)(b) (and if the superintendent registrar does those things on different days, the later of those two days).]

#### Textual Amendments

- F4** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with [Sch. 2](#))

## 54 Provision of marriage register books by Registrar General. E+W

- (1) The Registrar General shall furnish to the rector, vicar or curate in charge of every church and chapel in which marriages may be solemnized according to the rites of the Church of England (hereafter in this Part of this Act referred to as the “incumbent”) and to every registering officer of the Society of Friends, secretary of a synagogue and registrar and, in the case of a registered building for which an authorised person has been appointed, to the authorised person or to the trustees or governing body of the building, such number of register books for making entries of marriages in the



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prescribed form, and such number of forms for making certified copies of those entries, as may be required for the purposes of this Part of this Act.

- (2) Marriage register books furnished as aforesaid shall be of durable materials, and the heads of information required to be known and registered in relation to marriages shall be printed on each side of every leaf thereof; and every page of a marriage register book, and every place of entry therein, shall be numbered progressively from the beginning to the end of the book, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

## 55 Manner of registration of marriages. **E+W**

- (1) Every person who is required under this Part of this Act to register a marriage shall, immediately after the solemnization of the marriage, or, in the case of a marriage according to the usages of the Society of Friends, as soon as conveniently may be after the solemnization of the marriage, register in duplicate in two marriage register books the particulars relating to the marriage in the prescribed form:

Provided that—

- (a) where a registrar is required to register a marriage as aforesaid, the said particulars need not be registered in duplicate;
  - (b) before registering a marriage in accordance with the provisions of this Part of this Act, a registering officer of the Society of Friends and a secretary of a synagogue shall, whether or not he was present at the marriage, satisfy himself that the proceedings in relation to the marriage were conformable to the usages of the said Society or of persons professing the Jewish religion, as the case may be.
- (2) Every entry made in a marriage register book by virtue of this section by a clergyman, registering officer, secretary or authorised person shall be signed by the clergyman, registering officer, secretary or authorised person, as the case may be, and by the parties to the marriage and two witnesses, and every entry so made by a registrar shall be signed by the person by or before whom the marriage was solemnized, if any, and by the registrar, the parties to the marriage and two witnesses.
  - (3) Every entry made in a marriage register book by virtue of this section shall be made in consecutive order from the beginning to the end of each book and, in the case of an entry made otherwise than by a registrar, the number of the entry shall be the same in each duplicate marriage register book.
  - <sup>F5</sup>(4) Where a marriage is solemnized according to the rites of the Church of England in pursuance of section 26(1)(dd) of this Act, the marriage shall be registered in accordance with the provisions of this section in the marriage register books of any church or chapel which is in the same parish or extra-parochial place as is the place where the marriage is solemnized or, if there is no such church or chapel, of any church or chapel in any adjoining parish.
  - (5) Where by virtue of subsection (4) of this section a clergyman is required to register a marriage in the marriage register books of a church or chapel of which he is not the incumbent, the incumbent may give the books into his custody at a convenient time before the marriage is solemnized and he shall keep them safely and return them to the custody of the incumbent as soon as is reasonably practicable.]

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#### Textual Amendments

**F5** S. 55(4)(5) added by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 17](#)

#### Modifications etc. (not altering text)

**C1** S. 55 extended by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), s. 15

### 56 Power to ask for particulars of marriage. **E+W**

Every person who is required under this Part of this Act to register a marriage may ask the parties to the marriage the particulars relating to the marriage which are required to be entered in the marriage register book.

### 57 Quarterly returns to be made to superintendent registrar. **E+W**

(1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue, authorised person and registrar shall in the months of January, April, July and October—

- (a) make and deliver to the superintendent registrar, on forms supplied by the Registrar General, a true copy certified by him under his hand of all entries of marriages made in the marriage register book kept by him during the period of three months ending with the last day of the month immediately before the month in which the copy is required by this subsection to be made; or
- (b) if no marriage has been registered in the said book during that period, deliver to the superintendent registrar a certificate of that fact under his hand, on a form supplied by the Registrar General.

(2) The certified copies and certificates required to be delivered by a registrar under the last foregoing subsection shall be delivered to the superintendent registrar on such days in the months of January, April, July and October as may be appointed by the Registrar General, and shall be certified by the registrar in the prescribed form.

[<sup>F6</sup>(2A) The duty imposed by subsection (1)(a) on a registrar may be discharged by making a copy in an approved electronic form of each entry in the marriage register book and delivering that copy to the superintendent registrar within the period of seven days beginning with the day on which the entry is made.

(2B) A copy delivered by virtue of subsection (2A) is a certified copy for the purposes of this section if the registrar incorporates an electronic signature into it or associates an electronic signature with it.

(2C) The duty imposed by subsection (1)(b) may be discharged by delivering the certificate in an approved electronic form.]

(3) Any incumbent and any authorised person who is required by subsection (1) of this section to deliver to the superintendent registrar a certified copy of entries in the marriage register book or a certificate that no marriage has been registered, may deliver the copy or certificate to any registrar who is under the superintendence of that superintendent registrar, and every registrar who receives such a certified copy or certificate shall deliver it to the superintendent registrar; and a superintendent registrar may direct the registrars under his superintendence quarterly or more often, if he thinks fit or is ordered so to do by the Registrar General, to collect any such certified copies

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or certificates from every incumbent and authorised person within his registration district.

<sup>F7</sup>(4) .....

(5) Where a certified copy is delivered to the superintendent registrar by a registrar under subsection (1) of this section, the superintendent registrar shall verify the copy and, if the copy is found to be correct, shall certify it under his hand to be a true copy; and where a certificate that no marriage has been registered is so delivered, the superintendent registrar shall countersign the certificate.

[<sup>F8</sup>(5A) Where the certified copy is delivered in an approved electronic form by virtue of subsection (2A), the duty under subsection (5) to certify it as a true copy may be discharged by incorporating an electronic signature into it or associating an electronic signature with it.

(5B) In this section, “electronic signature” has the meaning given in section 7(2) of the Electronic Communications Act 2000.]

<sup>F9</sup>(6) .....

#### Textual Amendments

- F6** S. 57(2A)-(2C) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009](#) (S.I. 2009/2821), arts. 1(1), **9(1)**
- F7** S. 57(4) omitted (12.7.2016) by virtue of [Immigration Act 2016](#) (c. 19), s. 94(1), **Sch. 15 para. 14**; S.I. 2016/603, reg. 3(w)
- F8** S. 57(5A)(5B) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009](#) (S.I. 2009/2821), arts. 1(1), **9(2)**
- F9** S. 57(6) repealed by [Registration Service Act 1953](#) (c. 37), **Sch. 2**

## 58 Quarterly returns to be made by superintendent registrar to Registrar General. **E+W**

(1) Every superintendent registrar shall, four times in every year on such days as may be appointed by the Registrar General, send to the Registrar General all certified copies of entries in marriage register books which he has received during the three months immediately before the days so appointed respectively, and if it appears, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, the superintendent registrar shall as far as possible procure, consistently with the provisions of this Part of this Act, that the deficiency is remedied.

(2) The certified copies sent to the Registrar General under the last foregoing subsection shall be kept in the General Register Office in such order and such manner as the Registrar General, under the direction of [<sup>F10</sup>the Secretary of State], may think fit <sup>F11</sup>...

[<sup>F12</sup>(2A) Where a superintendent registrar has received a certified copy of an entry in an approved electronic form by virtue of section 57(2A) and (2B), the duty imposed by subsection (1) to send the copy to the Registrar General is to be discharged by sending the copy to the Registrar General in an approved electronic form (but in any other case, that duty may not be discharged by sending the copy in an electronic form).

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(2B) The duty imposed by subsection (2) may be discharged by storing the copies in an approved electronic form.]

#### Textual Amendments

- F10** Words in s. 58(2) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(c)** (with art. 4)
- F11** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), Sch. 1 para. 12, **Sch. 2**
- F12** S. 58(2A)(2B) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **10**

#### Modifications etc. (not altering text)

- C2** S. 58: transfer of functions (1.4.1996) by [S.I. 1996/273](#), art. 3(1), **Sch. 1 para. 7**
- C3** Functions of Minister of Health now exercisable by Secretary of State: [S.I. 1968/1699](#)
- C4** S. 58(2): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(d)** (with art. 4)

### 59 Custody of register books. **E+W**

[<sup>F13</sup>Subject to section 55(5) of this Act] every incumbent, registering officer of the Society of Friends, secretary of a synagogue, authorised person and registrar shall keep marriage register books safely until they are filled, so however that any register book kept by an authorised person shall be kept in accordance with regulations made under section seventy-four of this Act and any register book kept by a registrar shall, when not in use, be kept in the register box provided for the purpose by the Registrar General . . . <sup>F14</sup>

#### Textual Amendments

- F13** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 18**
- F14** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**

### 60 Filled register books. **E+W**

- (1) Where any marriage register book required to be kept in duplicate under this Part of this Act is filled, one copy thereof shall be delivered to the superintendent registrar and the other copy—
- (a) in the case of a register book kept by an incumbent, shall remain in the custody of the incumbent and be kept by him with the registers of baptisms and burials of the parish or other ecclesiastical district in which the marriages registered therein have been solemnized;
  - (b) in the case of a register book kept by a registering officer of the Society of Friends or by the secretary of a synagogue, shall remain in the custody of the members of the Society of Friends or of persons professing the Jewish religion, as the case may be, to be kept with the other registers and records of the said Society or of the said persons, and shall, for the purposes of this Act, be deemed to be in the keeping of the registering officer or secretary for the time being, as the case may be;
  - (c) in the case of a register book kept by an authorised person, shall be kept in prescribed custody.

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- (2) Where a marriage register book kept by a registrar is filled, the registrar shall deliver it to the superintendent registrar to be kept by him with the records of his office.

## **61 Correction of errors in register book. E+W**

- (1) A person required to register a marriage under this Part of this Act who discovers an error in the form or substance of an entry made in a marriage register book kept by him shall not be liable to any penalty by reason only that, within one month after the discovery of the error, he corrects the erroneous entry in the presence of the parties to the marriage to which the entry relates or, in the case of the death or absence of either of those parties, in the presence of the superintendent registrar and two other credible witnesses, by entry in the margin of the register book, without any alteration of the original entry.
- (2) Any such marginal entry as aforesaid shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made under the last foregoing subsection, and the person by whom the entry is made shall add the date when it is made.
- (3) Where any such marginal entry is made by a person who is required to register marriages in duplicate under this Part of this Act, that person shall make the like entry, attested in the like manner, in the duplicate marriage register book.
- (4) Any person who makes any such marginal entry as aforesaid shall make the like entry in the certified copy of the register book required to be made by him under this Part of this Act or, if a certified copy has already been delivered to the superintendent registrar, shall make and deliver to the superintendent registrar a separate certified copy of the original erroneous entry and of the marginal correction made therein.
- (5) Where a marriage to which an erroneous entry in a marriage register relates has been solemnized according to the rites of the Church of England and either of the parties to the marriage is dead or absent, the reference in subsection (1) of this section to the superintendent registrar and two other credible witnesses shall be construed as a reference either to those persons or to the church wardens or chapel wardens of the church or chapel in which the marriage was solemnized.

## **62 Disposal of register books on church ceasing to be used for solemnization of marriages. E+W**

- (1) Where any church or chapel of the Church of England ceases to be used for the solemnization of marriages, whether by reason of demolition, revocation of a licence or otherwise, any marriage register books in the custody of the incumbent of that church or chapel shall forthwith be delivered to the incumbent of the church which is, or becomes, the parish church of the parish in which the disused church or chapel is situated.
- (2) Any incumbent to whom any marriage register books have been delivered under the last foregoing subsection—
  - (a) shall, when he next delivers to the superintendent registrar under this Part of this Act a certified copy of the entries in the marriage register books of marriages solemnized in the parish church, deliver also a copy of all entries which have been made in the first mentioned marriage register books after

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the date of the last entry therein of which a certified copy has already been delivered to the superintendent registrar; and

- (b) shall, unless the said first mentioned marriage register books are the only register books in use for the parish, forward such of the said books as have not been filled to the Registrar General in order that they may be formally closed.

### 63 Searches in register books. **E+W**

- (1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue and registrar by whom a marriage register book is kept shall at all reasonable hours allow searches to be made in any marriage register book in his keeping, and shall give a copy certified under his hand of any entry in such a book <sup>F15</sup>...
- (2) The last foregoing subsection shall apply in the case of a registered building for which an authorised person has been appointed with the substitution for the reference to the incumbent of a reference to the person having the custody of a marriage register book in accordance with regulations made under section seventy-four of this Act.

#### Textual Amendments

**F15** Words in s. 63(1) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 15](#); S.I. 2016/603, reg. 3(w)

#### Modifications etc. (not altering text)

**C5** S. 63 modified by [Parochial Registers and Records Measure 1978 \(No. 2\), ss. 20\(3\), 27\(3\)](#)

### 64 Searches of indexes kept by superintendent registrars. **E+W**

- (1) Every superintendent registrar shall cause indexes of the marriage register books in his office to be made and to be kept with the other records of his office, and the Registrar General shall supply to every superintendent registrar suitable forms for the making of such indexes.
- (2) Any person shall be entitled [<sup>F16</sup>at any time when the register office is required to be open for the transaction of public business] to search the said indexes, and to have a certified copy of any entry in the said marriage register books under the hand of the superintendent registrar <sup>F17</sup>...

#### Textual Amendments

**F16** Words in s. 64(2) substituted by [Registration Service Act 1953 \(c. 37\), Sch. 1 para. 14\(a\)](#)

**F17** Words in s. 64(2) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 16](#); S.I. 2016/603, reg. 3(w)

### 65 Searches of indexes kept by Registrar General. **E+W**

- (1) The Registrar General shall cause indexes of all certified copies of entries in marriage register books sent to him under this Part of this Act to be made and kept in the General Register Office.



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- (2) Any person shall be entitled to search the said indexes [<sup>F18</sup>at any time when the General Register Office is open for that purpose], and to have a certified copy of any entry in the said certified copies of marriage register books <sup>F19</sup>...
- (3) The Registrar General shall cause all certified copies of entries given in the General Register Office to be sealed or stamped with the seal of that Office; and any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said Office shall be of any force or effect unless it is sealed or stamped as aforesaid.

<sup>F20</sup>(4) .....

**Textual Amendments**

- F18** Words substituted by [Registration Service Act 1953 \(c. 37\), Sch. 1 para. 15\(a\)](#)
- F19** Words in s. 65(2) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 17; S.I. 2016/603, reg. 3\(w\)](#)
- F20** S. 65(4) repealed by [Registration Service Act 1953 \(c. 37\), Sch. 2](#)

[<sup>F21</sup>**65A Searches and records of information: additional provision** **E+W**]

- (1) The Secretary of State may make regulations for the purpose of enabling the Registrar General—
  - (a) to carry out, on request, a search to find out whether the Registrar General's certified copies contain a particular entry;
  - (b) to provide, on request, a record of information contained in an entry in the Registrar General's certified copies, otherwise than in the form of a certified copy.

<sup>F22</sup>(2) .....

- (3) The regulations may make provision—
  - (a) as to how a request for a search or a record may be made;
  - (b) as to the forms in which a record may be provided.
- (4) The provision that may be made in the regulations includes provision for a record to be provided in a form that does not include all of the information contained in an entry.
- (5) Before making regulations under this section, the Secretary of State must consult the Registrar General.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section does not affect the entitlement of any person to a certified copy of an entry in the Registrar General's certified copies.
- (9) In this section, “the Registrar General's certified copies” means the certified copies of entries in marriage register books sent to the Registrar General under this Part of this Act and kept in the General Register Office.]

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#### Textual Amendments

- F21** S. 65A inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 99(1)**, 115(3)(k)
- F22** S. 65A(2) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 18**; S.I. 2016/603, reg. 3(w)

#### 66 Sending documents by post. **E+W**

Any certificate, return or other document required by this Part of this Act to be delivered or sent to the Registrar General, a superintendent registrar or a registrar may be sent by post.

#### 67 Interpretation of Part IV. **E+W**

In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“general search” means a search conducted during any number of successive hours not exceeding six, without the object of the search being specified;

“incumbent” has the meaning assigned to it by section fifty-four of this Act;

“particular search” means a search of the indexes covering a period not exceeding five years for a specified entry;

“registering officer of the Society of Friends” means a person whom the recording clerk of the Society of Friends certifies in writing under his hand to the Registrar General to be a registering officer in England of that Society;

“secretary of a synagogue” means—

- (a) a person whom the President of the London Committee of Deputies of the British Jews certifies in writing to the Registrar General to be the secretary of a synagogue in England of persons professing the Jewish religion;
- (b) the person whom twenty householders professing the Jewish religion and being members of the West London Synagogue of British Jews certify in writing to the Registrar General to be the secretary of that Synagogue;
- (c) [<sup>F23</sup>the person whom twenty householders professing the Jewish religion and being members of the Liberal Jewish Synagogue, St. John’s Wood, certify in writing to the Registrar General to be the secretary of that Synagogue;
- (d) a person whom the secretary of either the West London Synagogue of British Jews or the Liberal Jewish Synagogue, St. John’s Wood, certifies in writing to be the secretary of some other synagogue of not less than twenty householders professing the Jewish religion, being a synagogue which is connected with the said West London Synagogue or with the said Liberal Jewish Synagogue, St. John’s Wood, as the case may be, and has been established for not less than one year;]

“superintendent registrar” means—

- (a) in the case of a marriage registered by a clergyman, the superintendent registrar of the registration district in which [<sup>F24</sup>is situated the church or chapel of which the incumbent keeps the marriage register book in which that marriage is registered;]



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- (b) in the case of a marriage registered by a registering officer of the Society of Friends, the superintendent registrar of the registration district which is assigned by the Registrar General to that registering officer;
- (c) in the case of a marriage registered by the secretary of a synagogue, the superintendent registrar of the registration district which is assigned by the Registrar General to that secretary;
- (d) in the case of a marriage registered by an authorised person, the superintendent registrar of the registration district in which the registered building in which the marriage was solemnized is situated;
- (e) in the case of a Marriage registered by a registrar, the superintendent registrar of the registration district within which that registrar was appointed to act.

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**Textual Amendments**

**F23** Paras. (c)(d) substituted for para. (c) by [Marriage \(Secretaries of Synagogues\) Act 1959 \(c. 13\), s. 1](#)

**F24** Words substituted by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 19](#)

**Status:**

Point in time view as at 27/03/2021.

**Changes to legislation:**

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