

## SCHEDULE 2

Regulation 11

### Transitional provision

#### Interpretation

**1.** In this Schedule—

“the 1956 Act” means the Marriage (Scotland) Act 1956(1);

“approved certificate” has the meaning given in section 1(3A) of the 1956 Act as inserted by these Regulations.

#### Consent given to marriage of persons under eighteen

**2.—(1)** Any consent, refusal of consent or dispensation, in relation to a marriage intended to be solemnized on the authority of certificates, which is—

(a) under section 3(1) of the 1949 Act (marriages of persons under eighteen)(2), and

(b) in force immediately before 4th May 2021,

is to be treated, on and after that date, as consent, refusal of consent or (as the case may be) dispensation under section 3(1), as amended by these Regulations, in relation to a marriage intended to be solemnized on the authority of a marriage schedule.

(2) Any consent, refusal of consent or dispensation, in relation to a marriage intended to be solemnized on the authority of a certificate issued under the 1949 Act as applied by section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland)(3), which is—

(a) under section 3(1) of the 1949 Act, and

(b) in force immediately before 4th May 2021,

is to be treated, on and after that date, as consent, refusal of consent or (as the case may be) dispensation under section 3(1), as amended by these Regulations, in relation to a marriage intended to be solemnized on the authority of an approved certificate.

(3) Sub-paragraphs (1) and (2) apply only in respect of marriages that have not been solemnized before 4th May 2021.

(4) Sub-paragraph (2) applies only in respect of marriages for which a certificate has not been issued before 4th May 2021.

#### Issue of marriage document before 4th May 2021 for marriage on or after that date

**3.** Section 21A of the 1949 Act (issue of marriage document after publication of banns or the grant of a special or common licence)(4) only applies in relation to marriages to be solemnized on or after 4th May 2021.

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(1) 1956 c. 70.

(2) Section 3 was amended by paragraph 9 of Schedule 2 to the Family Law Reform Act 1987 (c. 42), paragraph 5 of Schedule 12 and Schedule 15 to the Children Act 1989 (c. 41), paragraph 4 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999 (c. 33), paragraph 2, paragraph 3, paragraph 4 and paragraph 5 of Schedule 3 to the Adoption and Children Act 2002 (c. 38), paragraph 13 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and paragraph 3 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30), paragraph 42 of Schedule 2 to the Children and Families Act 2014 (c. 6), and S.I. 2000/2698.

(3) Section 1 was amended by Part I of Schedule 4 to the Children Act 1975 (c. 72) and paragraph 5 of Schedule 2 and Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15).

(4) As inserted by these Regulations.

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#### **Effect of notice of marriage given before 4th May 2021**

- 4.—(1) Sub-paragraphs (3), (4), (6), (7) and (9) to (11) apply in a case where—
- (a) a notice of marriage is—
    - (i) given under section 27 of the 1949 Act (notice of marriage)<sup>(5)</sup> before 4th May 2021, and
    - (ii) in force immediately before that date, and
  - (b) the marriage concerned is not solemnized before 4th May 2021.
- (2) Sub-paragraphs (3), (5), (6), (8) and (11) of this paragraph apply in a case where—
- (a) a notice of marriage is—
    - (i) given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland) before 4th May 2021, and
    - (ii) in force immediately before that date, and
  - (b) the marriage concerned is not solemnized before 4th May 2021.
- (3) The amendments made by these Regulations do not affect the continuation in force of the notice of marriage.
- (4) The notice of marriage given under section 27 of the 1949 Act is to be treated on and after 4th May 2021 for the purposes of the 1949 Act as amended by these Regulations, as a notice of a marriage intended to be solemnized on the authority of a marriage schedule.
- (5) The notice of marriage given under section 1 of the 1956 Act is to be treated on and after 4th May 2021 for the purposes of the 1956 Act as amended by these Regulations, as a notice of marriage intended to be solemnized on the authority of an approved certificate.
- (6) In determining whether the waiting period in relation to the notice of marriage has expired—
- (a) for the purposes of the 1949 Act, as amended by these Regulations, in relation to a notice given under section 27 of that Act, or
  - (b) for the purposes of the 1949 Act, as amended by these Regulations and as applied by the 1956 Act, as so amended, in relation to a notice given under section 1 of the 1956 Act
- the reference in section 31(4A) of the 1949 Act (marriage under marriage schedule: meaning of waiting period)<sup>(6)</sup>, as amended by these Regulations, to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book or in an approved electronic form.
- (7) In determining the applicable period in relation to the marriage for the purposes of section 33 of the 1949 Act (period of validity of marriage schedule)<sup>(7)</sup> as amended by these Regulations—
- (a) the reference in subsection (3) of section 33 of that Act to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book or in an approved electronic form,
  - (b) the reference in subsection (4) of section 33 of that Act to the notices of marriage not being recorded in the marriage register on the same date is to be read as a reference to the notices

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(5) Section 27 was amended by paragraph 5 of Schedule 1 to the Marriage Act 1983 (c. 32), paragraph 2 of the Schedule to the Marriage Act 1994 (c. 34), section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and paragraph 2 of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 9 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(6) Section 31(4A) was inserted by section 160(5) of the Immigration and Asylum Act 1999 and amended by paragraph 10(2)(b) of Schedule 4 to the Immigration Act 2014. There are other amendments which are not relevant.

(7) Section 33 was substituted by paragraph 15 of Schedule 14 to the Immigration and Asylum Act 1999 and amended by S.I. 2009/2821.

of marriage not being entered in the marriage notice book, in an approved electronic form or (as the case may be) recorded in the marriage register on the same date, and

- (c) the reference in subsection (5) of section 39A of that Act (marriage of former civil partners one of whom has changed sex: period of validity of certificate)(8) to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book.

(8) In determining the applicable period in relation to the marriage for the purposes of section 33 of the 1949 Act, as amended by these Regulations and applied by section 1 of the 1956 Act as so amended, the reference in subsection (3) of section 33 of the 1949 Act to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book or in an approved electronic form.

(9) In determining the meaning of “relevant statutory period” for the purposes of—

- (a) section 48 of the Immigration Act 2014 (decision whether to investigate marriage referred under section 28H of the 1949 Act)(9) as amended by these Regulations, and
- (b) paragraph 2 of Schedule 3A to the 1949 Act (modifications if proposed marriage referred under section 28H)(10) as amended by these Regulations,

the reference in paragraph (a)(i) of the definition of “relevant statutory period” in section 62(1) of the Immigration Act 2014 (interpretation)(11), as amended by these Regulations, to the day after notice of the proposed marriage is recorded in the marriage register is to be read as a reference to the day after notice of the proposed marriage is entered in the marriage notice book or in an approved electronic form.

(10) In determining the meaning of “relevant 70 day period” for the purposes of paragraph 3 of Schedule 3A to the 1949 Act as amended by these Regulations, the reference in paragraph 3(7)(a) of that Schedule to the day after notice of the proposed marriage is recorded in the marriage register is to be read as a reference to the day after notice of the proposed marriage is entered in the marriage notice book or in an approved electronic form.

(11) In this paragraph, references to a notice of marriage being entered in the marriage notice book or in an approved electronic form are references to a notice being so entered by virtue of section 27 of the 1949 Act (notice of marriage).

### **Effect of caveat entered before 4th May 2021**

5.—(1) A caveat entered under section 29 of the 1949 Act (caveat against issue of certificate)(12) against the issue of a certificate by a superintendent registrar and in force immediately before 4th May 2021 is to be treated, on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as a caveat entered against the issue of a marriage schedule.

(2) Any—

- (a) refusal, made under section 29(2) of the 1949 Act before 4th May 2021, to issue a certificate, or
- (b) confirmation of the Registrar General, made under section 29(3) of the 1949 Act before 4th May 2021, in relation to a certificate,

is to be treated on and after that date as a refusal or (as the case may be) confirmation in relation to a marriage schedule or, where notice of the marriage concerned was given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), an approved certificate.

(8) Section 39A was inserted by [S.I. 2005/3129](#).

(9) [2014 c. 22](#). Section 48 was amended by [S.I. 2015/395](#) and [S.I. 2015/396](#).

(10) Schedule 3A was inserted by paragraph 9 of Schedule 4 to the Immigration Act 2014.

(11) The definition of “relevant statutory period” in section 62(1) was amended by [S.I. 2015/395](#).

(12) Section 29 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999 and [S.I. 1968/1242](#).

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(3) Any appeal under section 29(3) of the 1949 Act against a refusal by a superintendent registrar to issue a certificate which is ongoing immediately before 4th May 2021 is to be treated on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as an appeal against a refusal to issue a marriage schedule or, where notice of the marriage concerned was given under section 1 of the 1956 Act, an approved certificate.

(4) Any direction of the Registrar General, made under section 29(3) of the 1949 Act before 4th May 2021, that a certificate be issued is to be treated on and after that date as a direction, to the superintendent registrar for the registration district in which the marriage is to be solemnized, to issue—

- (a) a marriage schedule, once satisfied that any of the conditions in section 31(3) of the 1949 Act (conditions for issuing marriage schedule), as amended by these Regulations, is met, or
- (b) an approved certificate, where notice of the marriage concerned was given under section 1 of the 1956 Act and the waiting period mentioned in section 31(3)(a) of the 1949 Act, as amended by these Regulations, has expired in relation to that notice.

(5) A caveat entered under section 29 of the 1949 Act (as applied by section 39(2) of that Act (issue of certificates on board Her Majesty's ships)(13)) against the issue of a certificate under section 39 and in force immediately before 4th May 2021 is to be treated, on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as a caveat against the issue of a certificate under section 39 in respect of a marriage intended to be solemnized on the authority of a marriage schedule.

#### **Effect of forbidding before 4th May 2021 in relation to the issue of a certificate by a superintendent registrar**

6.—(1) This paragraph applies in a case where—

- (a) a person (“P”) has, before 4th May 2021, forbidden the issue of a certificate for marriage by a superintendent registrar under section 30 of the 1949 Act (forbidding of issue of certificate)(14),
- (b) the marriage concerned is not solemnized before that date, and
- (c) immediately before that date, either or both of the persons to be married still require consent under section 3 of the 1949 Act (marriages of persons under eighteen) from P.

(2) Where notice of the marriage concerned was given under section 27 of the 1949 Act (notice of marriage), P is to be treated, on and after 4th May 2021, as having forbidden the issue of a marriage schedule under section 30(1) of the 1949 Act as amended by these Regulations.

(3) Where notice of the marriage concerned was given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), P is to be treated, on and after 4th May 2021, as having forbidden the issue of an approved certificate under section 30(1) of the 1949 Act as amended by these Regulations and as modified by section 1 of the 1956 Act, as so amended.

(4) The relevant superintendent registrar must, as soon as reasonably practicable, ensure the following is recorded in the marriage register—

- (a) that P forbids the issue of a marriage schedule or (as the case may be) approved certificate,
- (b) P's name and place of residence, and
- (c) P's capacity, in relation to either or both of the persons to be married, in which P forbids the issue of a marriage schedule or (as the case may be) approved certificate.

(13) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

(14) Section 30 was amended by paragraph 13 of Schedule 14 to the Immigration and Asylum Act 1999 and [S.I. 2009/2821](#).

(5) The relevant superintendent registrar must also ensure that information recorded under subparagraph (4) is open to inspection free of charge at all reasonable hours.

(6) In this paragraph “relevant superintendent registrar” means—

- (a) in a case where the issue of a certificate for marriage was forbidden in accordance with subsection (2) of section 30 of the 1949 Act, the superintendent registrar mentioned in paragraph (a) of that subsection, or
- (b) in any other case, the superintendent registrar who keeps the marriage notice book mentioned in subsection (1) of that section.

### **Effect of forbidding before 4th May 2021 in relation to the issue of a certificate on board one of Her Majesty’s ships**

7.—(1) This paragraph applies in a case where—

- (a) before 4th May 2021, a person has, under section 30 of the 1949 Act (forbidding of issue of certificate) (as it is applied by section 39(2) of that Act (issue of certificates on board Her Majesty’s ships)), forbidden the issue of a certificate under section 39 of that Act,
- (b) the marriage concerned is not solemnized before that date, and
- (c) immediately before that date, either or both of the persons to be married still require consent under section 3 of the 1949 Act (marriages of persons under eighteen) from the person mentioned in paragraph (a).

(2) On and after 4th May 2021, the person is to be treated as having forbidden the issue of a certificate under section 39 in respect of a marriage intended to be solemnized on the authority of a marriage schedule.

### **Issue of marriage schedule before 4th May 2021 for marriage on or after that date**

8.—(1) This paragraph applies, before 4th May 2021, in a case where—

- (a) a marriage is to be solemnized on or after that date, and
- (b) the superintendent registrar for the registration district in which the marriage is to be solemnized is satisfied that one of conditions A to D is met.

(2) Condition A is that a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act (marriage under certificate without licence)(15) to each of the persons to be married.

(3) Condition B is that—

- (a) one of the persons to be married resides in Scotland,
- (b) the superintendent registrar for the registration district in which the marriage is to be solemnized has received a certificate issued to that person under section 7(2) of the Marriage (Scotland) Act 1977 (issue of certificate for marriage outside Scotland where a party resides in Scotland)(16), and
- (c) a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act to the other person to be married.

(4) Condition C is that—

- (a) one of the persons to be married is an officer, seaman or marine borne on the books of one of Her Majesty’s ships at sea,

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(15) Section 31(2) was amended by section 163(1) of, and paragraph 10(2)(b) of Schedule 4 to, the Immigration Act 2014.

(16) 1977 c. 15. Section 7(2) was amended by section 18(3) of the Marriage and Civil Partnership (Scotland) Act 2014 asp 5.

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- (b) the superintendent registrar for the registration district in which the other person to be married resides has received a certificate issued under section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships) to the person referred to in sub-paragraph (a), and
  - (c) a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act to the other person to be married.
- (5) Condition D is that—
- (a) one of the persons to be married is a British subject resident in a part of Her Majesty's dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere)(**17**) applies,
  - (b) the superintendent registrar for the registration district in which the marriage is to be solemnized has received a certificate of the publication of banns or a certificate of notice of marriage issued to that person in accordance with the law in force in that part of Her Majesty's dominions, and
  - (c) a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act to the other person to be married.
- (6) The superintendent registrar for the registration district in which the marriage is to be solemnized must issue a marriage schedule under section 31 of the 1949 Act as amended by these Regulations (ignoring paragraphs (a) and (b) of subsection (2) of that section and the requirement that a condition in subsection (3) of that section be met).
- (7) Where a superintendent registrar issues a marriage schedule under section 31 in accordance with sub-paragraph (6), any superintendent registrar who would otherwise be required to issue a certificate under section 31(2) of the 1949 Act in respect of the marriage is no longer required to do so.
- (8) Where this paragraph applies and a certificate under section 31(2) of the 1949 Act has yet to be issued, the references in section 28A(2)(b) (power to require evidence of consent to marriages of same sex couples)(**18**) and section 30(1) (forbidding of issue of certificate)(**19**) of that Act to any time before the issue of the certificate are to be read as references to any time before the issue of a marriage schedule under section 31 in accordance with sub-paragraph (6).
- (9) Where a superintendent registrar refuses to issue a marriage schedule under section 31 of the 1949 Act, as amended by these Regulations, in accordance with sub-paragraph (6), on the basis that, relying on section 31(2)(a) or 31ZA of that Act (notice of marriage: false information or evidence)(**20**), a certificate is not required to be issued, the following apply as amended by these Regulations—
- (a) section 31A of that Act (appeal on refusal under section 31(2)(a) or 31ZA)(**21**), and
  - (b) where section 31ZA of that Act is relied on, subsection (2) of that section.

(17) 1915 c. 40. Section 1 was amended by the Marriage of British Subjects (Facilities) Amendment Act 1916 c. 21. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

(18) Section 28A was inserted by section 162(1) of the Immigration and Asylum Act 1999 and section 28A(2) was amended by paragraph 6 of Schedule 4 to the Immigration Act 2014.

(19) Section 30 was amended by paragraph 13 of Schedule 14 to the Immigration and Asylum Act 1999 and S.I. 2009/2821.

(20) Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.

(21) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.



(10) Subsection (3)(a) to (c) of section 75 of the 1949 Act (offences relating to issue of marriage schedule)(22) as amended by these Regulations applies in respect of issuing marriage schedules before 4th May 2021, but as if—

- (a) the reference in subsection (3)(a) of that section to none of the conditions in section 31(3) being met were a reference to none of conditions A to D being met, and
- (b) for subsection (3)(c) of that section there were substituted—
  - “(c) issues a marriage schedule where a certificate in respect of the marriage concerned has been forbidden under section 30 of this Act by any person entitled to forbid the issue of such a certificate;”.

### **Appeal on refusal to issue a certificate for a marriage to be solemnized on or after 4th May 2021**

9.—(1) For the purposes of section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA), as amended by these Regulations, a refusal by a superintendent registrar to issue a certificate before 4th May 2021, which is not appealed before that date, is to be treated on and after 4th May 2021 as a refusal to issue—

- (a) a marriage schedule, or
- (b) where notice of the marriage concerned was given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), an approved certificate.

(2) An appeal under section 31A against a refusal by a superintendent registrar to issue a certificate which is ongoing immediately before 4th May 2021 is to be treated on and after that date as an appeal under section 31A, as amended by these Regulations, against a refusal to issue—

- (a) a marriage schedule, or
- (b) where notice of the marriage concerned was given under section 1 of the 1956 Act, an approved certificate.

(3) Where sub-paragraph (1)(a) or (2)(a) applies, section 31A applies as if—

- (a) for subsection (2)(b) there were substituted—
  - “(b) direct the superintendent registrar for the registration district in which the marriage is to be solemnized to issue a marriage schedule, once satisfied that one of the conditions in section 31(3) of the 1949 Act, as amended by these Regulations, is met.”, and
- (b) the reference, in subsection (2A)(b), to a direction that a marriage schedule be issued were a reference to a direction under subsection (2)(b).

(4) Where notice of marriage has been given under section 27 of the 1949 Act (notice of marriage) and—

- (a) the Registrar General has directed, under section 31A(2)(b), before 4th May 2021, that a certificate be issued, and
- (b) no certificate or marriage schedule has been issued before that date,

that direction is to be treated on and after 4th May 2021 as a direction, to the superintendent registrar for the registration district in which the marriage is to be solemnized, to issue a marriage schedule, once satisfied that one of the conditions in section 31(3) of the 1949 Act, as amended by these Regulations, is met.

(5) Where notice of marriage has been given under section 1 of the 1956 Act and—

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(22) Section 75(3) was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 30 of Schedule 14, and paragraph 1 of Schedule 16, to the Immigration and Asylum Act 1999, paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, [S.I. 1997/986](#) and [S.I. 2009/2821](#).

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- (a) the Registrar General has directed, under section 31A(2)(b), before 4th May 2021, that a certificate be issued, and
- (b) no certificate or approved certificate has been issued before that date,

that direction is to be treated on and after 4th May 2021 as a direction, to the superintendent registrar to whom notice was given, to issue an approved certificate, once satisfied that the waiting period mentioned in section 31(3)(a) of the 1949 Act, as amended by these Regulations, has expired in relation to that notice.

### **Effect of notices of marriage given before 4th May 2021 on board Her Majesty's ships**

**10.**—(1) This paragraph applies in a case where—

- (a) a notice under section 39(1) of the 1949 Act (issue of certificates on board Her Majesty's ships) is—
  - (i) given before 4th May 2021, and
  - (ii) in force immediately before that date, and
- (b) the marriage concerned is not solemnized before 4th May 2021.

(2) The amendments made by these Regulations do not affect the continuation in force of the notice, which is to be treated on and after 4th May 2021, for the purposes of the 1949 Act as amended by these Regulations, as a notice under section 39(1) of that Act of a marriage intended to be solemnized on the authority of a marriage schedule.

### **Effect of certificates issued before 4th May 2021 on board Her Majesty's ships**

**11.**—(1) This paragraph applies in a case where—

- (a) a certificate is—
  - (i) issued under section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships) before 4th May 2021, and
  - (ii) in force immediately before that date, and
- (b) the marriage concerned is not solemnized before 4th May 2021.

(2) The amendments made by these Regulations do not affect the continuation in force of the certificate, which is to be treated on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as a certificate issued under section 39 of that Act in respect of a marriage intended to be solemnized on the authority of a marriage schedule.

### **Registration of marriage solemnized before 4th May 2021 on or after that date**

**12.** For the purposes of registering marriages solemnized before 4th May 2021 but not registered before that date—

- (a) Part 4 of the 1949 Act (registration of marriages) has effect as if the amendments made by these Regulations had not been made,
- (b) the following provisions of the Registration of Marriages Regulations 2015<sup>(23)</sup> have effect as if the amendments made by these Regulations had not been made—
  - (i) regulation 3 (completion of forms),
  - (ii) Part 3 (registration of marriages),
  - (iii) regulations 16 to 18 (correction of errors),

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(23) [S.I. 2015/207](#), to which there are amendments not relevant to these Regulations.



- (iv) Schedules 1 (prescribed forms) and 2 (forms of words in English and Welsh), and
- (c) the following provisions of the Marriage (Authorised Persons) Regulations 1952<sup>(24)</sup> continue to have effect as if not omitted by these Regulations—
  - (i) the definition of “registration district” in regulation 2 (interpretation),
  - (ii) regulation 6, 7 and 10 to 25 (registration of marriages and errors discovered before completion of entry).

### **First quarterly return after 4th May 2021**

**13.**—(1) Row 12 of the table in Schedule 1 to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016<sup>(25)</sup> (sum paid by superintendent registrar upon delivery of a certified copy) continues to apply (as if not omitted by these Regulations), with the modification in sub-paragraph (2), in relation to the delivery of any certified copy of an entry in a marriage register book required by section 57(1) of the Marriage Act 1949 (quarterly returns to be made to superintendent registrar)<sup>(26)</sup> to be delivered before 1st August 2021.

(2) In column 4 of Row 12 of the table in Schedule 1 to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016, the reference to the authorised person with custody of the marriage register book within the meaning of regulation 8 of the Marriage (Authorised Persons) Regulations 1952 is to be read as a reference to the authorised person, within the meaning given in sub-paragraph (3), required by law to keep the marriage register book.

(3) In sub-paragraph (2) “authorised person” means a person whose name and address have been certified under section 43 or 43B of the 1949 Act (appointment of authorised persons for buildings and chapels registered for solemnization of marriage)<sup>(27)</sup>.

(4) The requirements of regulation 8 of the Marriage (Authorised Persons) Regulations 1952 (custody of register books and forms) relating to forms for certified copies continue to apply in relation to a registered building (within the meaning of that regulation) until the requirements under section 57 of the 1949 Act have been complied with in respect of all marriage register books to which that section applies relating to the registration of marriages solemnized in that building.

### **Prosecution of offence of failure to make quarterly return**

**14.** Regulation 23(2) of the Registration of Marriages Regulations 2015 (proceedings in respect of an offence under section 76(1) or (2) of the 1949 Act) has effect as if the amendments made by these Regulations had not been made, in relation to any offence committed on or before 1st August 2021 under section 76(2) of the 1949 Act (offences relating to registration of marriages)<sup>(28)</sup>.

### **Period of validity of Registrar General’s licence and offence of solemnization of marriage after one month from date of entry of notice**

- 15.**—(1) This paragraph applies in a case where—
- (a) a notice of marriage is entered in a marriage notice book in accordance with section 2 of the Marriage (Registrar General’s Licence) Act 1970 (notice of marriage)<sup>(29)</sup> before 4th May 2021, and

<sup>(24)</sup> *S.I. 1952/1869*, relevant amending instruments are *S.I. 1965/528*, *1971/1216*, *1974/573*, *1986/1444*, *2000/3164*, *2005/3177*, *2014/107*, *2014/3061*, *2015/177*.

<sup>(25)</sup> *S.I. 2016/911*. Row 12 was amended by *S.I. 2017/947*.

<sup>(26)</sup> Section 57 was amended by Schedule 2 to the Registration Service Act 1953 (c. 37), paragraph 14 of Schedule 15 to the Immigration Act 2016 and *S.I. 2009/2821*.

<sup>(27)</sup> Section 43 was amended by paragraph 10 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013. Section 43B was inserted by paragraph 2 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013.

<sup>(28)</sup> Section 76(2) was amended by sections 38 and 46 of the Criminal Justice Act 1982 (c. 42).

<sup>(29)</sup> *1970 c. 34*. Section 2 was amended by paragraph 24 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

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(b) the marriage is not solemnized before that date.

(2) Sections 8(1) and 16(1)(c) of the Marriage (Registrar General’s Licence) Act 1970 (period of validity of licence and offence of solemnising marriage after expiry of validity of Registrar General’s licence) have effect as if the amendments made by these Regulations had not been made.

### **Marriage of British Subjects (Facilities) Act 1915 and Marriage of British Subjects (Facilities) Amendment Act 1916**

**16.**—(1) This paragraph applies in a case where—

- (a) a marriage is to be solemnized or contracted in a part of Her Majesty’s dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere) applies between a British subject resident in that part and a British subject resident in England or Wales, and
- (b) immediately before 4th May 2021—
  - (i) a notice of marriage, given under the 1949 Act, is in force, and
  - (ii) a certificate for marriage has not been issued under the 1949 Act.

(2) On and after 4th May 2021, the Marriage of British Subjects (Facilities) Act 1915, the Marriage of British Subjects (Facilities) Amendment Act 1916<sup>(30)</sup> and the 1949 Act have effect as if the amendments made by these Regulations had not been made.

(3) Regulation 10 of, and Schedule 1 to, the Registration of Marriages Regulations 2015 (forms of certificate and Registrar General’s licence for marriage) have effect as if the amendments made by these Regulations had not been made.

**17.** These Regulations do not affect the continuation in force of any certificate issued under section 1(1)(b) of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere) before 4th May 2021.

**18.**—(1) This paragraph applies in a case where—

- (a) a marriage is to be solemnized on or after 4th May 2021,
- (b) one of the persons to be married is a British subject resident in a part of Her Majesty’s dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere) applies,
- (c) a certificate of the publication of banns or a certificate of notice of marriage is issued to that person before 4th May 2021 in accordance with the law in force in that part of Her Majesty’s dominions,
- (d) the other person to be married gives notice of the marriage in accordance with the 1949 Act before 4th May 2021, and
- (e) that notice is in force immediately before that date.

(2) On and after 4th May 2021, the 1949 Act as amended by these Regulations has effect as if in section 31(3) (conditions for issuing marriage schedule), after paragraph (c) there were inserted—

“;

<sup>(30)</sup> 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.

- (d) where one party to the marriage is a British subject resident in a part of Her Majesty's dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 applies, the superintendent registrar has received a certificate of the publication of banns or a certificate of notice of marriage issued to that person in accordance with the law in force in that part of Her Majesty's dominions and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired.”.

### **Marriage (Scotland) Act 1956**

**19.** These Regulations do not affect the continuation in force of any certificate issued, under the 1949 Act as applied by section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), before 4th May 2021.

### **Operation of section 16 or 17 of the Interpretation Act 1978**

**20.** Nothing in this Schedule prejudices the operation of section 16 or 17 of the Interpretation Act 1978 (general savings)(**31**).

### **Correction of completed entries in marriage register books**

**21.** Any obligation which arose before 4th May 2021 in respect of a completed entry in a marriage register book under—

- (a) section 61 of the 1949 Act (correction of errors in register book),
- (b) regulation 26 of the Marriage (Authorised Persons) Regulations 1952 (errors discovered after completion of entry), or
- (c) regulation 19 of the Registration of Marriages Regulations 2015 (correction of errors in completed entry),

and which is not complied with before that date ceases to have effect.

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(31) 1978 c. 30.