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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Consular Marriages and Marriages  
under Foreign Law (No. 2) Order 2014**

**PART 3**

**Marriage under Foreign Law**

**Application for a certificate of no impediment to the superintendent registrar**

**14.**—(1) Any United Kingdom national (N) (if resident in England and Wales) who wishes to be married in a country or territory outside the United Kingdom which is not included in Schedule 3 to the British Nationality Act 1981<sup>(1)</sup> where the law of that country or territory requires N to obtain a certificate of no impediment to be issued by the domestic authorities in the United Kingdom may make an application for such a certificate to the superintendent registrar in England and Wales.

(2) An application under paragraph (1) must be made to the superintendent registrar of the registration district in which N is resident and has resided in for no less than the period immediately preceding the application as would be required in order to give notice of marriage in England and Wales.

(3) An application under paragraph (1) must be accompanied by—

(a) a notice, which must be dated and signed by N, containing the following details in relation to each of the parties to the proposed marriage—

- (i) forenames;
- (ii) surname;
- (iii) nationality;
- (iv) date of birth;
- (v) sex;
- (vi) address;
- (vii) condition;
- (viii) occupation;

(b) a declaration signed by N that—

- (i) N is resident and has resided in the registration district in which notice is given for no less than the same period immediately preceding the giving of the notice as would be required if the marriage were to be solemnized in England and Wales;
- (ii) if N, not being a widower or widow or surviving civil partner, is under the age of eighteen years, that the consent of the persons whose consent to the marriage is required by law has been obtained, or that there is no person having authority to give that consent, as the case may be;

- (iii) N believes there to be no impediment to the marriage such that the marriage would be void under section 1 of the Marriage Act 1949(2) or otherwise.

### **Issuing a certificate of no impediment by the superintendent registrar**

**15.—**(1) The superintendent registrar must retain every notice and declaration made under article 15 and display a copy of the notice in a conspicuous place for the same period preceding the issuing of the certificate of no impediment as would be required if the marriage were to be solemnized in England and Wales.

(2) The superintendent registrar must, upon payment of a fee, issue a certificate of no impediment unless the superintendent registrar considers there is reason to believe there would be an impediment to the marriage if it were to take place in England and Wales.

(3) The fee payable under paragraph (2) shall be the same fee as is for the time being payable for an entry in the marriage notice book under section 27(6) of the Marriage Act 1949.

### **Application for a consular certificate of no impediment**

**16.—**(1) Any United Kingdom national (N) who wishes to enter into a marriage in a country or territory outside the United Kingdom which requires a consular certificate of no impediment to be issued may apply for a certificate of no impediment to the registration officer nominated by the Secretary of State for the purposes of this article in respect of the country or territory in which the marriage is to be registered.

(2) An application under paragraph (1) must be accompanied by —

(a) a notice, which must be signed and dated by N, containing the following details in relation to each of parties to the proposed marriage—

- (i) forenames;
- (ii) surname;
- (iii) nationality;
- (iv) date of birth;
- (v) sex;
- (vi) address;
- (vii) condition;

(b) a declaration signed by N that—

- (i) N has been resident in the country or territory in which the notice is being given for a period of at least three days immediately preceding the giving of the notice;
- (ii) if N, not being a widower or widow or surviving civil partner, is under the age of eighteen years, that the consent of the persons whose consent to the marriage is required by law has been obtained, or that there is no person having authority to give that consent, as the case may be;
- (iii) N believes there to be no impediment to the marriage such that the marriage would be void under section 1 of the Marriage Act 1949, section 2 of the Marriage (Scotland) Act 1977, article 18 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(3) or otherwise.

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(2) Section 1 has been amended by section 1(6) of, and paragraph 2 of Schedule 1 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), section 11 of, and paragraphs 1 and 2 of Schedule 4 to, the Gender Recognition Act 2004 (c. 7), section 261(1) of, and paragraph 13 of Schedule 27 to, the Civil Partnership Act 2004 (c. 33) and S.I. 2007/438.

(3) S.I. 1984/1984 (N.I. 14). Article 18 was amended by the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 (S.I. 2006/1945) (N.I. 14).

(3) The notice detailed in paragraph (2)(a) and the declaration detailed in paragraph (2)(b) must be signed in the presence of any person authorised to witness the signature in the country or territory in which the marriage is to be registered or the registration officer responsible for the consular district in which the marriage is to be registered.

(4) A person witnessing the signature under paragraph (3) must also sign and date the notice and declaration with a statement that they have witnessed the signature.

### **Issuing a consular certificate of no impediment**

**17.—**(1) The registration officer must retain every notice and declaration made under article 17 and must display a true copy of the notice in a conspicuous place in the consular district of the registration officer for a period of seven consecutive days preceding the issuing of a certificate of no impediment.

(2) A registration officer may request any further information from N which the registration officer considers to be relevant to the decision whether to issue a certificate of no impediment.

(3) Where an application is made in accordance with article 14, the registration officer must issue a certificate of no impediment unless the registration officer considers there is reason to believe that there would be an impediment to the marriage taking place if it were to take place in England and Wales, Scotland or Northern Ireland.