

Status: Point in time view as at 01/04/2003.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: The Marriage Act 1949 (c.76) is up to date with all changes known to be in force on or before 28 June 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)

SCHEDULES

SCHEDULE 14

CONSEQUENTIAL AMENDMENTS

The Marriage Act 1949 (c.76)

3 The Marriage Act 1949 is amended as follows.

Commencement Information

II Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

4 In section 3(1) (marriages of persons under 21)—
(a) for “a certificate” substitute “certificates”; and
(b) omit “whether by licence or without licence”.

Commencement Information

I2 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

5 In section 5 (methods of authorising marriages), in paragraph (d), for “a certificate” substitute “certificates”.

Commencement Information

I3 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

6 In section 17 (marriage under superintendent registrar’s certificate)—
(a) for “a certificate” substitute “certificates”; and
(b) for “notice of marriage and certificate” substitute “notices of marriage and certificates”.

Commencement Information

I4 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

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- 7 In section 25 (void marriages)—
- (a) in paragraph (b), for “a certificate” substitute “certificates”;
 - (b) in paragraph (c), for “a certificate of a superintendent registrar which is” substitute “certificates of a superintendent registrar which are”; and
 - (c) in paragraph (d), for “a certificate” substitute “certificates” and for “notice of marriage and certificate” substitute “notices of marriage and certificates”.

Commencement Information

- I5** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 8 In section 27(1) (notice of marriage), for “a certificate” substitute “certificates”.

Commencement Information

- I6** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 9 In section 27A (additional information required in certain cases)—
- (a) in subsections (2) and (3), for the first “the notice” substitute “each notice”;
 - (b) in subsection (4), for the first “The person” substitute “Each person”; and
 - (c) in subsection (6), for “either” substitute “each”.

Commencement Information

- I7** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 10 In section 27B (provisions relating to section 1(3) marriages)—
- (a) in subsection (1), for “a certificate” substitute “certificates”;
 - (b) in subsections (4) and (6), omit “or licence”; and
 - (c) in subsection (5), omit “, or certificate and licence,”.

Commencement Information

- I8** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 11 In section 28(1) (declaration to accompany notice of marriage), omit “or licence” and for paragraph (b) substitute—
- “(b) that the persons to be married have for the period of 7 days immediately before the giving of the notice had their usual places

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of residence within the registration district or registration districts in which notice is given.”.

Commencement Information

I9 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

12 In section 29 (caveat against issue of certificate or licence), omit every “or licence”.

Commencement Information

I10 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

13 In section 30 (provision for issue of certificate to be forbidden) for first “a certificate” substitute “certificates”.

Commencement Information

I11 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

14 In section 31 (marriage certificates)—
(a) in subsections (1) and (4), for “a certificate” substitute “certificates”; and
(b) in subsection (5), for “one of the persons to be married” substitute “the person by whom notice of marriage was given”.

Commencement Information

I12 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

15 For section 33 substitute—

“33 Period of validity of certificate.

- (1) A marriage may be solemnized on the authority of certificates of a superintendent registrar at any time within the period which is the applicable period in relation to that marriage.
- (2) If the marriage is not solemnized within the applicable period—
 - (a) the notices of marriage and the certificates are void; and
 - (b) no person may solemnize the marriage on the authority of those certificates.

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- (3) The applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was entered in the marriage notice book and ending—
- (a) in the case of a marriage which is to be solemnized in pursuance of section 26(1)(dd), 37 or 38, on the expiry of three months; and
 - (b) in the case of any other marriage, on the expiry of twelve months.
- (4) If the notices of marriage given by each person to be married are not given on the same date, the applicable period is to be calculated by reference to the earlier of the two dates.”

Commencement Information

I13 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

16 For section 34 substitute—

“34 Marriages normally to be solemnized in registration district in which one party resides.

Subject to section 35, a superintendent registrar may not issue a certificate for the solemnization of a marriage elsewhere than within a registration district in which one of the persons to be married has resided for 7 days immediately before the giving of the notice of marriage.”

Commencement Information

I14 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 17 (1) Section 35 (marriages in registration district in which neither party resides) is amended as follows.
- (2) In subsection (1)—
- (a) omit “, or if the marriage is to be by licence, a certificate and a licence,”; and
 - (b) for “or certificate and licence is issued” substitute “ is issued in respect of each of the persons to be married ”.
- (3) In subsections (2) and (4), omit “or, if the marriage is to be by licence, a certificate and a licence,”.
- (4) In subsections (2A) and (2B), omit “or, if the marriage is to be by licence, a certificate and licence,”.
- (5) In subsection (5)—
- (a) for “a certificate” substitute “ certificates ”;
 - (b) for “the notice” substitute “ each notice ”; and
 - (c) for “the certificate” substitute “ each certificate ”.

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I15 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 18 Omit section 36 (superintendent registrar not normally to issue licences for marriages in registered buildings outside his district).

Commencement Information

I16 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 19 In section 37(1) (one party resident in Scotland)—
(a) for first “a certificate” substitute “certificates”; and
(b) omit “without licence”.

Commencement Information

I17 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 20 (1) Section 38 (one party resident in Northern Ireland) is amended as follows.
(2) In subsection (1)—
(a) for “a certificate” substitute “certificates”; and
(b) omit “without licence”.
(3) In subsection (2), for “and place of residence” substitute “, place of residence and nationality”.
(4) In subsection (3), for “twenty-one” substitute “15”.

Commencement Information

I18 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 21 In section 39(1) (issue of certificates on board Her Majesty’s ships)—
(a) for first “a certificate” substitute “certificates”; and
(b) omit “without licence”.

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I19 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

22 In section 40 (forms of certificates for marriage), omit subsection (2).

Commencement Information

I20 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

23 In section 44(1) (solemnization of marriage in registered buildings), for “a notice of marriage and certificate” substitute “ the notices of marriage and certificates ”.

Commencement Information

I21 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

24 In section 45(1) (solemnization of marriage in register office)—

- (a) for “a certificate” substitute “ certificates ”;
- (b) for first “notice” substitute “ notices ”;
- (c) for “notice has” substitute “ notices have ”; and
- (d) for “certificate or certificate and licence, as the case may be, has or” substitute “ certificates ”.

Commencement Information

I22 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

25 In section 47(2) (marriages according to usages of Society of Friends), in paragraph (a), for “the person” substitute “ each person ”.

Commencement Information

I23 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

26 In section 48(1) (proof of certain matters not necessary to validity of marriages), in paragraph (a), for “notice” substitute “ notices ”.

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I24 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 27 In section 49 (void marriages)—
- (a) in paragraph (b), after “issued” insert “, in respect of each of the persons to be married,”;
 - (b) omit paragraph (c);
 - (c) in paragraph (d), for “a certificate which is” substitute “certificates which are”; and
 - (d) in paragraph (e), for “notice” substitute “notices” and for “certificate” substitute “certificates”.

Commencement Information

I25 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 28 In section 50 (person to whom certificate to be delivered)—
- (a) in subsection (1), for “a certificate” substitute “certificates” and omit “the certificate or, if notice of marriage has been given to more than one superintendent registrar,”;
 - (b) omit subsection (2); and
 - (c) in subsection (3), for “certificate or certificate and licence, as the case may be,” substitute “certificates”.

Commencement Information

I26 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 29 In section 51(1) (fees of registrars for attending marriages), omit from first “the sum” to “case,”.

Commencement Information

I27 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 30 (1) Section 75 (offences relating to solemnization of marriages) is amended as follows.
- (2) In subsection (1)(b), for “a certificate” substitute “certificates”.
 - (3) In subsection (2)—

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- (a) in paragraph (a)(ii), for “notice of marriage and certificate” substitute “notices of marriage and certificates”;
 - (b) in paragraph (d), for “a certificate” substitute “certificates” and for from “(not being” to “book” substitute “before the expiry of the waiting period in relation to each notice of marriage”; and
 - (c) in paragraph (e), for “a certificate” substitute “certificates”.
- (4) After subsection (2), insert—
- “(2A) In subsection (2)(d) “the waiting period” has the same meaning as in section 31(4A).”
- (5) In subsection (3), for paragraph (a) substitute—
- “(a) issues any certificate for marriage before the expiry of 15 days from the day on which the notice of marriage was entered in the marriage notice book;”.
- (6) In subsection (3), in paragraph (b), omit “or licence”.

Commencement Information

I28 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 31 In section 78(3) (interpretation), in paragraph (a), for “the notice” substitute “each notice”.

Commencement Information

I29 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 32 In Schedule 4 (provisions of Act which are excluded or modified in their application to naval, military and air force chapels), in Part III (exclusion of provisions relating to marriages otherwise than according to the rites of the Church of England), omit “The proviso to subsection (2) of section twenty-six”.

Commencement Information

I30 Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

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