



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 4 **E+W**

PRISONERS

PROSPECTIVE

Whole life prisoners prohibited from forming a marriage or civil partnership

75 **Whole life prisoners prohibited from forming a marriage** **E+W**

(1) After section 2 of the Marriage Act 1949 insert—

“2A Marriages of whole life prisoners

- (1) A person (“A”) may not marry another person if A—
 - (a) is serving a life sentence in a prison or other place of detention, and
 - (b) is subject to a whole life order.
- (2) But subsection (1) does not apply if A has permission from the Secretary of State to marry the other person.
- (3) The Secretary of State may not give permission under subsection (2) unless satisfied that exceptional circumstances exist which justify the permission being given.
- (4) A marriage solemnized in contravention of subsection (1) is void.
- (5) In this section—

“life sentence” has the meaning given by section 34(2) of the Crime (Sentences) Act 1997;

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Cross Heading: Whole life prisoners prohibited from forming a marriage or civil partnership. (See end of Document for details)

“whole life order” means an order that section 28(5) to (8) of that Act (early release of person serving life sentence) is not to apply to a person.

- (6) A person is to be treated for the purposes of this section as being subject to a whole life order if—
- (a) the person is serving a life sentence passed before 18 December 2003,
 - (b) the sentence was passed in circumstances where the sentence was fixed by law,
 - (c) before 18 December 2003 the person was notified in writing by the Secretary of State (otherwise than in a notice expressed to be provisional) that the Secretary of State does not intend that the person should ever be released on licence, and
 - (d) an order has not been made in relation to the sentence under paragraph 3(1)(a) of Schedule 22 to the Criminal Justice Act 2003 (mandatory life sentences: transitional cases).”
- (2) In section 27ZA of the Marriage Act 1949 (circumstances in which a notice of marriage is not to be recorded in the marriage register), in paragraph (a), at the appropriate place insert—
- “section 27A(3A);”.
- (3) In section 27A of the Marriage Act 1949 (additional information required in certain cases)—
- (a) in subsection (3) (case where marriage intended to be solemnized at detained person’s residence)—
 - (i) omit the “and” at the end of paragraph (a);
 - (ii) at the end of paragraph (b) insert “; and
 - (c) stating whether the person is serving a life sentence and, if so, whether the person is subject to a whole life order.”;
 - (b) after subsection (3) insert—

“(3A) Where the relevant person is a detained person who is serving a life sentence and is subject to a whole life order, each notice of marriage required by section 27 of this Act must also be accompanied by a statement made by the Secretary of State not more than twenty-one days before the date on which notice of the marriage is given under section 27 stating that the relevant person has the permission required by section 2A(2).”;
 - (c) in subsection (6), for “or (as the case may be) (3)” substitute “, (3) or (3A)”;
 - (d) in subsection (7), before the definition of “medical statement” insert—

““life sentence” and “whole life order” have the meanings given by section 2A(5) of this Act and section 2A(6) (persons treated as being subject to a whole life order) applies for the purposes of this section; and”.
- (4) In section 11(a) of the Matrimonial Causes Act 1973 (grounds on which a marriage is void), omit the “or” at the end of sub-paragraph (ii) and insert—
- “(ia) the marriage is solemnized in contravention of section 2A of the Marriage Act 1949; or”.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Cross Heading: Whole life prisoners prohibited from forming a marriage or civil partnership. (See end of Document for details)

Commencement Information

II S. 75 not in force at Royal Assent, see [s. 81\(2\)](#)

76 Whole life prisoners prohibited from forming a civil partnership **E+W**

- (1) Section 3 of the Civil Partnership Act 2004 (eligibility) is amended in accordance with subsections (2) to (4).
- (2) In subsection (1)—
 - (a) omit the “or” at the end of paragraph (c), and
 - (b) after paragraph (d) insert “, or
 - (c) either of them is serving a life sentence in a prison or other place of detention and is subject to a whole life order.”
- (3) After subsection (1) insert—

“(1A) But two people are not ineligible to register as civil partners of each other by reason of either of them falling within paragraph (e) of subsection (1) if each of them falling within that paragraph has permission from the Secretary of State to register as a civil partner of the other.

(1B) The Secretary of State may not give permission under subsection (1A) unless satisfied that exceptional circumstances exist which justify the permission being given.”
- (4) After subsection (2) insert—

“(3) In this section—

“life sentence” has the meaning given by section 34(2) of the Crime (Sentences) Act 1997;

“whole life order” means an order that section 28(5) to (8) of that Act (early release of person serving life sentence) is not to apply to a person.
- (4) A person is to be treated for the purposes of this section as being subject to a whole life order if—
 - (a) the person is serving a life sentence passed before 18 December 2003,
 - (b) the sentence was passed in circumstances where the sentence was fixed by law,
 - (c) before 18 December 2003 the person was notified in writing by the Secretary of State (otherwise than in a notice expressed to be provisional) that the Secretary of State does not intend that the person should ever be released on licence, and
 - (d) an order has not been made in relation to the sentence under paragraph 3(1)(a) of Schedule 22 to the Criminal Justice Act 2003 (mandatory life sentences: transitional cases).”
- (5) In section 9F of the Civil Partnership Act 2004 (recording of information in the register: compliance with requirements), at the appropriate place insert—

“section 19(5A);”.

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(6) Section 19 of the Civil Partnership Act 2004 (detained persons) is amended in accordance with [subsections \(7\) to \(9\)](#).

(7) In subsection (4) (supporting statement)—

- (a) omit the “and” at the end of paragraph (a);
- (b) after paragraph (b) insert “, and
- (c) states whether the person is serving a life sentence and, if so, whether the person is subject to a whole life order.”

(8) After subsection (5) insert—

“(5A) Where the detained person is serving a life sentence and is subject to a whole life order, each notice of proposed civil partnership must also be accompanied by a statement made by the Secretary of State not more than 21 days before the day on which the notice is recorded stating that the detained person has the permission required by section 3(1A).

(5B) The fact that the registration authority to whom a notice of proposed civil partnership is given has received a statement under [subsection \(5A\)](#) must be recorded in the register.”

(9) After subsection (7) insert—

“(7A) “Life sentence” and “whole life order” have the meanings given by section 3(3) of this Act and section 3(4) (persons treated as being subject to a whole life order) applies for the purposes of this section.”

Commencement Information

I2 S. 76 not in force at Royal Assent, see [s. 81\(2\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Cross Heading: Whole life prisoners prohibited from forming a marriage or civil partnership.