



# Victims and Prisoners Act 2024

## 2024 CHAPTER 21

### PART 4

#### PRISONERS

##### *Whole life prisoners prohibited from forming a marriage or civil partnership*

PROSPECTIVE

#### **75 Whole life prisoners prohibited from forming a marriage**

(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 provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 75. (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 provision is prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 75. (See end of Document for details)

---

---

**Commencement Information**

**II** S. 75 not in force at Royal Assent, see **s. 81(2)**

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 75.