



Marriage with Foreigners Act 1906

1906 CHAPTER 40

1 Marriages of British subjects with foreigners abroad

(1) Any British subject who desires to be married in a foreign country to a foreigner according to the law of that country may, if it is desired for the purpose of complying with the requirement of the law of that country to obtain the certificate hereinafter mentioned, give notice of the marriage, if resident in the United Kingdom, to the registrar, and if resident abroad, to the marriage officer, and apply to the registrar or officer for a certificate that after proper notices have been given no legal impediment to the marriage has been shown to the registrar or officer to exist, and the registrar or officer shall, after the conditions set out in the Schedule to this Act have been complied with, give the certificate applied for unless the certificate is forbidden or a caveat is in operation as provided in that Schedule, or some legal impediment to the marriage is shown to the registrar or officer to exist.

(2) If a person—

- (a) knowingly and wilfully makes a false oath or signs a false notice of marriage for the purpose of a certificate under this section ; or
- (b) forbids the granting of a certificate under this section by falsely representing himself to be a person who is authorised to forbid the certificate, knowing that representation to be false,

that person shall be guilty of perjury, and if the offence is committed abroad, may be tried in any county or place in the United Kingdom in which the offender may be, and dealt with in the same manner in all respects as if the offence had been committed in that county or place.

(3) If any person enters a caveat on grounds which the registrar or officer or, in case of appeal, the Registrar-General declares to be frivolous, that person shall be liable to pay as a debt to the applicant for the certificate such sum as the registrar or officer or, in the case of appeal, the Registrar-General considers to be proper compensation for the damage caused to the applicant by the entering of the caveat.

(4) Such fees may be charged in respect of any notice of an intended marriage, or any application for or grant of a certificate, or the entering of a caveat under this section, as may be fixed, as respects certificates to be granted by or caveats entered with registrars,

by the Registrar-General, with the consent of His Majesty in Council, and, as respects certificates to be granted by or caveats entered with a marriage officer, as may be fixed by Order under the Consular Salaries and Fees Act, 1891.

2 Marriage of foreigners with British subjects in the United Kingdom

- (1) Where arrangements have been made to the satisfaction, of His Majesty with any foreign country for the issue by the proper officers of that country, in the case of persons subject to the marriage law of that country proposing to marry British subjects in the United Kingdom, of certificates that after proper notices have been given no impediment according to the law of that country has been shown to exist to the marriage, His Majesty may, by Order in Council, make regulations—
 - (a) requiring any person, subject to the marriage law of that foreign country, who is to be married to a British subject in the United Kingdom, to give notice of the fact that he is subject to the marriage law of that country to the person by or in the presence of whom the marriage is to be solemnised ; and
 - (b) forbidding any person to whom such a notice is given to solemnise the marriage or to allow it to be solemnised until such a certificate as aforesaid is produced to him.
- (2) If any person knowingly acts in contravention of, or fails to comply with, any such regulation, he shall be guilty of a misdemeanour, and shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding one year.
- (3) Nothing in this section shall be taken to relate or have any reference to any marriages between two persons professing the Jewish religion solemnised according to the usages of the Jews in the presence of the secretary of a synagogue authorised by either the Births and Deaths Registration Act, 1836, or the Marriages (Ireland) Act, 1844, or by the Marriage and Registration Act, 1856, to register such a marriage, or of a deputy appointed by such secretary by writing under his hand, and approved by the president for the time of the London committee of deputies of the British Jews by writing under his hand.

3 Power to make general regulations

His Majesty may by Order in Council make general regulations prescribing the forms to be used under this Act and making such other provisions as seem necessary or expedient for the purposes of this Act, and may by Order in Council revoke, alter, or add to any Order in Council made under this Act.

4 Interpretation

In this Act, unless the context otherwise requires,—

The expressions " Registrar-General " and " registrar " mean respectively the Registrar-General within the meaning of the Births and Deaths Registration Act, 1836, and a superintendent registrar of marriages within the meaning of the Marriage Act, 1836 ; and

The expression " marriage officer " means a marriage officer for the time being under the Foreign Marriage Act, 1892, and includes any person for the time being empowered to register a marriage under section eighteen of that Act.

5 Application to Scotland

In the application of this Act to Scotland—

- (1) References to the forbidding of a certificate shall not apply ;
- (2) A reference to a caveat shall be construed as a reference to an objection, and the provisions respecting the entry of a caveat on frivolous grounds shall not apply;
- (3) The expressions " Registrar-General " and " registrar " mean respectively the Registrar-General of births, deaths, and marriages in Scotland, and the registrar of births, deaths, and marriages for a parish or district under the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, and the Acts amending that Act;
- (4) Paragraph (a) of subsection one of section two shall be read as if the following words were inserted after the word " solemnised, " namely, " or to any registrar, " law agent, or other person whom he desires to " draw up any declaration of irregular marriage " between him and a British subject " ; and paragraph (V) of the same subsection shall be read as if the following words were inserted after the word " solemnised, " namely, " or to aid in effecting the said irregular marriage " ;
- (5) The duly appointed minister of a synagogue shall be substituted in subsection (3) of section two for the secretary of the synagogue or deputy as described in that subsection.

6 Application to Ireland

In the application of this Act to Ireland the expressions " Registrar-General " and " registrar " mean respectively the Registrar-General and registrar within the meaning of the Marriages (Ireland, Act, 1844.

7 Short title

This Act may be cited as the Marriage with Foreigners Act, 1906.