



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART III

MARRIAGE UNDER [F1MARRIAGE SCHEDULE]

Marriages in register offices

45 Solemnization of marriage in register office.

- (1) Where a marriage is intended to be solemnized on the authority of [F1a marriage schedule], the persons to be married may state in the [F2notices] of marriage that they wish to be married in the office of the superintendent registrar or one of the superintendent registrars, as the case may be, to whom notice of marriage is given, and where any such [F3notices have] been given and the [F4marriage schedule has] been issued accordingly, the marriage may be solemnized in the said office, with open doors, in the presence of the superintendent registrar and a registrar of the registration district of that superintendent registrar and in the presence of two witnesses, and the persons to be married shall make the declarations and use the form of words set out in subsection (3) [F5or (3A)] of [F6section 44] in the case of marriages in registered buildings in the presence of a registrar.
- (2) No religious service shall be used at any marriage solemnized in the office of a superintendent registrar.

Textual Amendments

- F1** Words in s. 45(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 31\(a\)](#) (with [Sch. 2](#))
- F2** Word in s. 45(1) substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 3, 24\(b\)](#); [S.I. 2000/2698](#), [art. 2](#)
- F3** Words in s. 45(1) substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 3, 24\(c\)](#); [S.I. 2000/2698](#), [art. 2](#)
- F4** Words in s. 45(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 31\(b\)](#) (with [Sch. 2](#))

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- F5** Words in s. 45(1) inserted (1.2.1997) by 1996 c. 34, s. 1(2)(a); S.I. 1996/2506, art. 2
- F6** Words in s. 45 substituted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), Sch. para. 3(2)

[^{F7}45A Solemnization of certain marriages.

- (1) This section applies to marriages solemnized, otherwise than according to the rites of the Church of England, in pursuance of section 26(1)(dd) [^{F8}or 26B(6)] of this Act at the place where a person usually resides.
- (2) The marriage may be solemnized according to a relevant form, rite or ceremony in the presence of a registrar of the registration district in which the place where the marriage is solemnized is situated and of two witnesses and each of the persons contracting the marriage shall make the declaration and use the form of words set out in subsection (3) [^{F9}or (3A)] of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.
- (3) Where the marriage is not solemnized in pursuance of subsection (2) of this section it shall be solemnized in the presence of the superintendent registrar and a registrar of the registration district in which the place where the marriage is solemnized is situated and in the presence of two witnesses, and the persons to be married shall make the declarations and use the form of words set out in subsection (3) [^{F9}or (3A)] of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.
- (4) No religious service shall be used at any marriage solemnized in the presence of a superintendent registrar.
- (5) In subsection (2) of this section a “relevant form, rite or ceremony” means a form, rite or ceremony of a body of persons who meet for religious worship in any registered building being a form, rite or ceremony in accordance with which members of that body are married in any such registered building.]

Textual Amendments

- F7** S. 45A inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 11
- F8** Words in s. 45A inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 12; S.I. 2014/93, art. 3(k)(i)
- F9** Words in s. 45A(2)(3) inserted (1.2.1997) by 1996 c. 34, s. 1(2)(a); S.I. 1996/2506, art. 2

46 Register office marriage followed by religious ceremony.

- (1) If the parties to a [^{F10}relevant marriage] desire to add the religious ceremony ordained or used by the church or persuasion of which they are members, they may present themselves, after giving notice of their intention so to do, to the clergyman or minister of the church or persuasion of which they are members, and the clergyman or minister, upon the production of a certificate of their marriage before the superintendent registrar and upon the payment of the customary fees (if any), may, if he sees fit, read or celebrate in the church or chapel of which he is the regular minister [^{F11}, or (in the case of the conversion of a civil partnership at a place of residence) at that place of

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residence,] the marriage service of the church or persuasion to which he belongs or nominate some other minister to do so.

[^{F12}(1A) In this section ^{F13}...—

[^{F14}“place of residence”, in relation to the conversion of a civil partnership, means a place that a superintendent registrar attends for the purpose of the conversion because one of the parties to the civil partnership—

- (a) is housebound there,
- (b) is detained there as a patient in a hospital or in a prison or other place to which the Prison Act 1952 applies, or
- (c) is (being a person who is seriously ill and not expected to recover) present there;

“relevant marriage” means—]

- (a) the marriage of a man and a woman solemnized in the presence of a superintendent registrar,
- (b) the marriage of a same sex couple solemnized in the presence of a superintendent registrar, and
- (c) a marriage which arises from the conversion of a civil partnership under regulations under section 9 of the Marriage (Same Sex Couples) Act 2013.

(1B) This section does not authorise the marriage service of the Church of England to be read or celebrated in the case of a relevant marriage of a same sex couple.

(1C) This section does not authorise any other marriage service to be read or celebrated in the case of a relevant marriage of a same sex couple unless the relevant governing authority has given written consent to the reading or celebration of that service in the case of such marriages.

(1D) For that purpose—

[^{F15}“relevant governing authority” means—

- (a) except in a case falling within paragraph (b) or (c), the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;
- (b) in the case of a ceremony according to the usages of the Society of Friends, the recording clerk for the time being of the Society of Friends in London; and
- (c) in the case of a ceremony according to the usages of the Jews, the person or persons who would be the relevant governing authority (in accordance with section 26B(5)) if the ceremony were a marriage that was to be registered in accordance with [^{F16}section 53D];]

“relevant religious organisation” means the religious organisation whose marriage service is to be read or celebrated.]

(2) Nothing in the reading or celebration of a marriage service under this section shall supersede or invalidate [^{F17}the relevant marriage], and the reading or celebration shall not be entered as a marriage in [^{F18}the marriage register][^{F19}or in the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section.]

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(3) No person who is not entitled to solemnize marriages according to the rites of the Church of England shall by virtue of this section be entitled to read or celebrate the marriage service in any church or chapel of the Church of England.

[^{F20}(4) In this section a reference to a church or chapel includes a reference to—

- (a) a place of meeting for members of the Society of Friends;
- (b) a Jewish synagogue; and
- (c) a place of worship certified under the Places of Worship Registration Act 1855.

(5) Subsection (4) does not limit—

- (a) the churches or persuasions to which this section applies; or
- (b) the interpretation of this section in its application to a particular church or persuasion.

(6) In the case of a religious ceremony which follows the conversion of a civil partnership in a country or territory outside of the United Kingdom in accordance with provision made by regulations under section 9 of the Marriage (Same Sex Couples) Act 2013 in relation to—

- (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006) serving in the country or territory in which it is proposed they convert their civil partnership;
- (b) a relevant civilian (as defined in Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under that Part) who is employed in that country or territory; or
- (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party);

this section is to be read in accordance with subsection (7).

(7) In a case to which subsection (6) applies—

- (a) subsection (1) is to be read as if—
 - (i) the reference to a clergyman or minister (including a reference to a clergyman or minister of a particular church or persuasion) includes a reference to a chaplain serving in any of Her Majesty’s forces;
 - (ii) there is no reference to a superintendent registrar; and
 - (iii) the reference to the place of worship of which a person is a regular minister is a reference to the place where the conversion occurs (including any place of worship that is provided by the Secretary of State); and
- (b) subsection (1C) is to be read as if it —
 - (i) requires the relevant governing authority’s written consent to the reading or celebrating of the marriage service to be given to the Secretary of State; and
 - (ii) additionally, requires the clergyman, minister or chaplain who is to read or celebrate the service to have the consent of the relevant governing authority to do so.]

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Textual Amendments

- F10** Words in s. 46(1) substituted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 13(2)**; S.I. 2014/93, art. 3(k)(i)
- F11** Words in s. 46(1) inserted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(a)**
- F12** S. 46(1A)-(1D) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 13(3)**; S.I. 2014/93, art. 3(k)(i)
- F13** Words in s. 46(1A) omitted (10.12.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(b)(i)**
- F14** Words in s. 46(1A) inserted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(b)(ii)**
- F15** Words in s. 46(1D) substituted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(c)** (with Sch. para. 3(4))
- F16** Words in s. 46(1D) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 32(2)** (with Sch. 2)
- F17** Words in s. 46(2) substituted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(d)(i)**
- F18** Words in s. 46(2) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 32(3)** (with Sch. 2)
- F19** Words in s. 46(2) inserted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(d)(ii)**
- F20** S. 46(4)-(7) inserted (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 3(3)(e)**

Modifications etc. (not altering text)

- C1** S. 46(2)(3) applied by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 11(2)

Changes to legislation:

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