



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART III

MARRIAGE UNDER [F1MARRIAGE SCHEDULE]

### *Miscellaneous Provisions*

#### **48 Proof of certain matters not necessary to validity of marriages.**

- (1) Where any marriage has been solemnized under the provisions of this Part of this Act, it shall not be necessary in support of the marriage to give any proof—
- (a) that before the marriage either of the parties thereto resided, or resided for any period, in the registration district stated in the [F1notices] of marriage to be that of his or her place of residence;
  - (b) that any person whose consent to the marriage was required by section three of this Act had given his consent;
  - (c) that the registered building in which the marriage was solemnized had been certified as required by law as a place of religious worship;
  - (d) that that building was the usual place of worship of either of the parties to the marriage; F2 ...
  - [F3(da) that, in the case of a marriage under section 26B(2), (4) or (6), the relevant governing authority had given consent as mentioned in section 26B(2)(b), (4) (b) or (6)(d);]
  - (e) that the facts stated in a declaration made under subsection (1) of section thirty-five of this Act were correct; F4[F5 ...
  - (ea) that, in the case of a marriage under section 26A, the relevant governing authority had given consent as mentioned in section 26A(3);]F6 or
  - (eb) that, in the case of a marriage to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.]

nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.

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- (2) A marriage solemnized in accordance with the provisions of this Part of this Act in a registered building which has not been certified as required by law as a place of religious worship shall be as valid as if the building had been so certified.

#### Textual Amendments

- F1** Word in s. 48(1)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **26**; S.I. 2000/2698, **art. 2**
- F2** Word in s. 48(1)(d) omitted (13.3.2014) by virtue of Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 14(a)**; S.I. 2014/93, art. 3(k)(i)
- F3** S. 48(1)(da) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 14(b)**; S.I. 2014/93, art. 3(k)(i)
- F4** Word in s. 48(1)(e) omitted (1.3.2015) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 14(a)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F5** S. 48(1)(ea) and word inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 14(c)**; S.I. 2014/93, art. 3(k)(i)
- F6** S. 48(1)(eb) and word inserted (1.3.2015) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 14(b)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)

#### Modifications etc. (not altering text)

- C1** S. 48 applied with modifications by Marriage (Registrar General's Licence) Act 1970 (c. 34), **s. 12**

## 49 Void marriages.

If any persons knowingly and wilfully intermarry under the provisions of this Part of this Act—

- (a) without having given due notice of marriage to the superintendent registrar;
- <sup>F7</sup>(b) without a marriage schedule having been duly issued by the superintendent registrar of the registration district in which the marriage was solemnized;]
- <sup>F8</sup>(c) .....
- (d) on the authority of [<sup>F9</sup>a marriage schedule which is] void by virtue of subsection (2) of section thirty-three of this Act;
- (e) in any place other than the church, chapel, registered building, office or other place specified in the [<sup>F10</sup>notices] of marriage and [<sup>F11</sup>(if so specified) in the marriage schedule];
- <sup>F12</sup>(ee) in the case of a marriage purporting to be in pursuance of section 26(1)(bb) of this Act, on any premises that at the time the marriage is solemnized are not approved premises;]
- (f) in the case of a marriage in a registered building (not being a marriage in the presence of an authorised person), in the absence of a registrar of the registration district in which the registered building is situated; <sup>F13</sup>...
- (g) in the case of a marriage in the office of a superintendent registrar, in the absence of the superintendent registrar or of a registrar of the registration district of that superintendent registrar; <sup>F13</sup>[<sup>F14</sup>...
- <sup>F15</sup>(gg) [ in the case of a marriage on approved premises, in the absence of the superintendent registrar of the registration district in which the premises are situated or in the absence of a registrar of that district; or]

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- (h) in the case of a marriage to which section 45A of this Act applies, in the absence of any superintendent registrar or registrar whose presence at that marriage is required by that section;]  
the marriage shall be void.

#### Textual Amendments

- F7** S. 49(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 34\(2\)](#) (with Sch. 2)
- F8** S. 49(c) repealed (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, [27\(b\)](#); S.I. 2000/2698, [art. 2](#)
- F9** Words in s. 49(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 34\(3\)](#) (with Sch. 2)
- F10** Words in s. 49(e) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, [27\(d\)](#); S.I. 2000/2698, [art. 2](#)
- F11** Words in s. 49(e) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 34\(4\)](#) (with Sch. 2)
- F12** S. 49(ee) inserted (1.4.1995) by 1994 c. 34, s. 1(3), [Sch. para. 3\(a\)](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)
- F13** Word in s. 49(f)(g) omitted (1.4.1995) by virtue of 1994 c. 34, s. 1(3), [Sch. para. 3\(b\)](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)
- F14** S. 49(h) and word “or” immediately preceding it inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 13](#)
- F15** S. 49(gg) inserted (1.4.1995) by 1994 c. 34, s. 1(3), [Sch. para. 3\(c\)](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)

#### Modifications etc. (not altering text)

- C2** S. 49 applied (with modifications) by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), [s. 13](#)

### [<sup>F16</sup>49A Void marriages: additional provision about same sex couples

- (1) If a same sex couple knowingly and wilfully intermarries under the provisions of this Part of this Act in the absence of the required consent, the marriage shall be void.
- (2) In this section, in relation to a marriage of a same sex couple, “required consent” means consent under—
- (a) section 26A(3), in a case where section 26A applies to the marriage (but section 44A does not apply to it);
- (b) section 26A(3) and section 44A(6), in a case where section 26A and section 44A apply to the marriage;
- [ section 26A(3) and under any regulations made under section 44C that require
- <sup>F17</sup>(ba) the consent to use of a building for the solemnization of marriages of same sex couples, in a case where section 26A and section 44C apply to the marriage;]
- (c) section 26B(2)(b), in a case where section 26B(1), (2) and (3) apply to the marriage;
- (d) section 26B(4)(b), in a case where section 26B(1), (4) and (5) apply to the marriage;
- (e) section 26B(6)(d), in a case where section 26B(1), (6) and (7) apply to the marriage.]

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#### Textual Amendments

- F16** S. 49A inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), **Sch. 7 para. 15**; [S.I. 2014/93, art. 3\(k\)\(i\)](#)
- F17** S. 49A(2)(ba) inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\)](#), **Sch. 1 para. 5(4)**

### 50 Person to whom [<sup>F18</sup>marriage schedule] to be delivered.

[<sup>F19</sup>(A1) This section applies where the parties to a marriage have been issued a marriage schedule under section 31(4).]

(1) [<sup>F20</sup>The parties to the marriage must deliver the marriage schedule to the following person] :—

- <sup>F21</sup>(a) .....
- (b) if the marriage is to be solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is to be solemnized;
- <sup>F22</sup>(c) .....
- <sup>F23</sup>(cc) .....
- (d) if the marriage is to be solemnized according to the usages of the Society of Friends, [<sup>F24</sup>an] officer of that Society for the place where the marriage is to be solemnized;
- (e) if the marriage is to be solemnized according to the usages of persons professing the Jewish religion, the officer of a synagogue by whom the marriage [<sup>F25</sup>schedule is required to be signed in accordance with section 53C];
- (f) if the marriage is to be solemnized according to the rites of the Church of England, the officiating clergyman.

<sup>F26</sup>(2) .....

<sup>F27</sup>(3) .....

#### Textual Amendments

- F18** Words in s. 50 heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(2)** (with Sch. 2)
- F19** S. 50(A1) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(3)** (with Sch. 2)
- F20** Words in s. 50(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(4)(a)** (with Sch. 2)
- F21** S. 50(1)(a) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(4)(b)** (with Sch. 2)
- F22** S. 50(1)(c) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(4)(b)** (with Sch. 2)
- F23** S. 50(1)(cc) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(4)(b)** (with Sch. 2)
- F24** Word in s. 50(1)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(4)(c)** (with Sch. 2)
- F25** Words in s. 50(1)(e) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)](#), **Sch. 1 para. 35(4)(d)** (with Sch. 2)

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- F26** S. 50(2) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 28(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F27** S. 50(3) omitted (4.5.2021) by virtue of **The Registration of Marriages Regulations 2021** (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 35(5)** (with Sch. 2)

## 51 [<sup>F28</sup> Fees of superintendent registrars for attending marriages in approved premises]

<sup>F29</sup> [<sup>F30</sup> (1)] .....

[<sup>F31</sup>(1A) In the case of persons married on approved premises in pursuance of section 26(1) (bb) of this Act—

<sup>F32</sup>(a) .....

(b) the superintendent registrar in whose presence the persons are married shall be entitled to receive from them a fee of an amount determined in accordance with regulations under section 46A of this Act by the local authority that approved the premises.]

<sup>F33</sup>(2) .....

### Textual Amendments

- F28** S. 51 heading substituted (12.7.2016) by **Immigration Act 2016** (c. 19), s. 94(1), **Sch. 15 para. 13(a)**; S.I. 2016/603, reg. 3(w)
- F29** S. 51(1) omitted (12.7.2016) by virtue of **Immigration Act 2016** (c. 19), s. 94(1), **Sch. 15 para. 13(b)**; S.I. 2016/603, reg. 3(w)
- F30** S. 51(1): s. 51 renumbered as s. 51(1) (E.W.) by **Marriage Act 1983** (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 15**
- F31** S. 51(1A) inserted (24.2.1995) by 1994 c. 34, s. 1(3), **Sch. para. 5**; S.I. 1995/424, **art. 2(1)(b)**
- F32** S. 51(1A)(a) omitted (12.7.2016) by virtue of **Immigration Act 2016** (c. 19), s. 94(1), **Sch. 15 para. 13(c)**; S.I. 2016/603, reg. 3(w)
- F33** S. 51(2) omitted (12.7.2016) by virtue of **Immigration Act 2016** (c. 19), s. 94(1), **Sch. 15 para. 13(d)**; S.I. 2016/603, reg. 3(w)

## 52 Provision for marriages in Welsh language.

The Registrar General shall furnish to every registrar in Wales and in every place in which the Welsh language is commonly used a true and exact translation into the Welsh language of the [<sup>F34</sup>declarations and forms of words] required to be used under section forty-four of this Act, and the said translation may be used in any place in which the Welsh language is commonly used in the same manner as is prescribed by the said section forty-four for the use of the [<sup>F34</sup>declarations and forms of words] in the English language.

### Textual Amendments

- F34** Words in s. 52 substituted (1.2.1997) by 1996 c. 34, s. 1(3); S.I. 1996/2506, **art. 2**

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