



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART III

MARRIAGE UNDER [<sup>F1</sup>MARRIAGE SCHEDULE]

*Issue of [<sup>F1</sup>a marriage schedule]*

### [<sup>F1</sup>39A Marriage of former civil partners one of whom has changed sex

- (1) This section applies if—
  - (a) a court—
    - (i) makes final a nullity order which annuls a civil partnership on the ground that an interim gender recognition certificate has been issued to one of the civil partners, or
    - (ii) (in Scotland) grants a decree of dissolution of a civil partnership on that ground,and, on doing so, issues a full gender recognition certificate (under section 5A(1) of the Gender Recognition Act 2004) to that civil partner, and
  - (b) the former civil partners wish to marry each other in England or Wales in accordance with this Part without being delayed by the waiting period.
- (2) For the purposes of this section the relevant period is the period—
  - (a) beginning with the issue of the full gender recognition certificate, and
  - (b) ending at the end of 1 month from the day on which it is issued.
- (3) If either of the former civil partners —
  - (a) gives notice of marriage in accordance with this Part during the relevant period, and
  - (b) on doing so, makes an election under this section,this Act applies with the modifications set out in subsections (4) to (6).
- (4) In section 31 (marriage under [<sup>F2</sup>marriage schedule])—
  - (a) omit subsections (1), [<sup>F3</sup>(3)], (4A) and (5A) to (5I), and

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949, Section 39A. (See end of Document for details)*

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- [<sup>F4</sup>(b) in subsection (2), for “The superintendent registrar for the registration district in which a marriage is to be solemnized must, once satisfied that any of the conditions in subsection (3) is met,” substitute “As soon as notice of the marriage has been given, the superintendent registrar for the registration district in which a marriage is to be solemnized must”.]
- (5) For section 33(3) (period of validity of [<sup>F5</sup>marriage schedule]: applicable period) substitute —
- “(3) The applicable period, in relation to a marriage, is the period of 1 month beginning with the day on which the notice of marriage was [<sup>F6</sup>recorded in the marriage register].”
- (6) In section 75 (offences relating to solemnization of marriages), omit subsections (2) (d)<sup>F7</sup>... and (3)(a).
- (7) Where one of the former civil partners is residing in Scotland—
- (a) this section applies as if subsection (3) referred to the giving of notice and the making of an election by the former civil partner residing in England or Wales, and
- (b) section 37(d) does not apply.
- (8) In subsection (1)(b), “the waiting period” has the meaning given by section 31(4A).]

#### Textual Amendments

- F1** S. 39A inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\)](#), art. 1, **Sch. 2 para. 1**
- F2** Words in s. 39A(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(2)(a)** (with Sch. 2)
- F3** Word in s. 39A(4)(a) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(2)(b)** (with Sch. 2)
- F4** S. 39A(4)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(2)(c)** (with Sch. 2)
- F5** Words in s. 39A(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(3)(a)** (with Sch. 2)
- F6** Words in s. 39A(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(3)(b)** (with Sch. 2)
- F7** Word in s. 39A(6) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(4)** (with Sch. 2)

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

- C1** Pt. 3 applied (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), ss. **1(2)(a)**, 21(3); S.I. 2014/93, art. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage Act 1949, Section 39A.