



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART III

MARRIAGE UNDER [^{F1}MARRIAGE SCHEDULE]

Marriages in registered buildings

44 Solemnization of marriage in registered building.

- (1) Subject to the provisions of this section, where [^{F1}the notices of marriage and [^{F2}the marriage schedule]] state that a marriage between the persons named therein is intended to be solemnized in a registered building, the marriage may be solemnized in that building according to such form and ceremony as those persons may see fit to adopt:

Provided that no marriage shall be solemnized in any registered building without the consent of the minister or of one of the trustees, owners, deacons or managers thereof, or in the case of a registered building of the Roman Catholic Church, without the consent of the officiating minister thereof.

- (2) Subject to the provisions of this section, a marriage solemnized in a registered building shall be solemnized with open doors in the presence of two or more witnesses and in the presence of either—
- (a) a registrar of the registration district in which the registered building is situated, or
 - (b) an authorised person whose name and address have been certified in accordance with [^{F3}section 43 (in the case of the marriage of a man and a woman), or section 43B (in the case of the marriage of a same sex couple),] by the trustees or governing body of that registered building or of some other registered building in the same registration district.
- (3) Where a marriage is solemnized in a registered building each of the persons contracting the marriage shall, in some part of the ceremony and in the presence of the witnesses and the registrar or authorised person, make the following declaration:—

Status: Point in time view as at 04/05/2021.

Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949, Section 44. (See end of Document for details)

“I do solemnly declare that I know not of any lawful impediment why I,*AB*, may not be joined in matrimony to*CD*”

and each of them shall say to the other:—

“I call upon these persons here present to witness that I,*AB*, do take thee,*CD*, to be my lawful wedded wife [*or husband*]”:

[^{F4}(3A) As an alternative to the declaration set out in subsection (3) of this section the persons contracting the marriage may make the requisite declaration either—

- (a) by saying “I declare that I know of no legal reason why I [*name*] may not be joined in marriage to [*name*]”; or
- (b) by replying “I am” to the question put to them successively “Are you [*name*] free lawfully to marry [*name*]?”;

and as an alternative to the words of contract set out in that subsection the persons to be married may say to each other “I [*name*] take you [*or thee*] [*name*] to be my wedded wife [*or husband*]”.]

^{F5}(4)

- (5) If the Registrar General is not satisfied with respect to any building registered or proposed to be registered for the solemnization of marriages therein that sufficient security exists for the [^{F6}solemnization of marriages or signing of marriage schedules in accordance with the provisions of this Act], he may in his discretion attach to the continuance of the registration, or to the registration, of the building a condition that no marriage may be solemnized therein without the presence of a registrar.

Textual Amendments

- F1** Words in s. 44(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **23**; S.I. 2000/2698, **art. 2**
- F2** Words in s. 44(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), [reg. 1\(2\)](#), **Sch. 1 para. 30(2)** (with Sch. 2)
- F3** Words in s. 44(2)(b) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013](#) (c. 30), s. 21(3), **Sch. 7 para. 11**; S.I. 2014/93, art. 3(k)(i)
- F4** S. 44(3A) substituted for s. 44(3) proviso (1.2.1997) by 1996 c. 34, **s. 1(1)**; S.I. 1996/2506, **art. 2**
- F5** S. 44(4) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), [reg. 1\(2\)](#), **Sch. 1 para. 30(3)** (with Sch. 2)
- F6** Words in s. 44(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), [reg. 1\(2\)](#), **Sch. 1 para. 30(4)** (with Sch. 2)

Modifications etc. (not altering text)

- C1** S. 44(3) applied by [Marriage \(Registrar General's Licence\) Act 1970](#) (c. 34), **s. 10(3)**

Status:

Point in time view as at 04/05/2021.

Changes to legislation:

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