



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART IV

REGISTRATION OF MARRIAGES

[^{F1}53E Registration of marriage where documentation lost or destroyed

- (1) This section applies where the Registrar General is satisfied that—
 - (a) a marriage has been solemnized, and
 - (b) the marriage document or (as the case may be) the marriage schedule in respect of the marriage has been lost or destroyed.
- (2) In the case of a marriage document, the Registrar General may direct a relevant church official, in writing, to—
 - (a) reproduce the marriage document, and
 - (b) arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
 - (i) the relevant church official, and
 - (ii) the relevant original signatories.
- (3) The relevant church official to whom the direction is given under subsection (2) must—
 - (a) ensure that the reproduction, signed in accordance with subsection (2)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
 - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (4) In the case of a marriage schedule, the Registrar General may direct the superintendent registrar for the registration district in which the marriage was solemnized, in writing, to—
 - (a) reproduce the marriage schedule, and

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- (b) provide the reproduction to a relevant person and require them in writing to arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
 - (i) the relevant person, and
 - (ii) the relevant original signatories.
- (5) If the relevant person to whom the reproduction is provided under subsection (4)(b) is not a registrar, the relevant person must—
 - (a) ensure that the reproduction, signed in accordance with subsection (4)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
 - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (6) The duty imposed by subsection (3)(a) or (5)(a) to ensure a reproduction is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (7) Subsection (8) applies if—
 - (a) the Registrar General gives a direction under subsection (2) or (4), and
 - (b) the reproduction is not in the possession of a relevant registrar at the end of the period of 21 days beginning with the first day after the end of the signing period.
- (8) A relevant registrar may issue a notice, in any form, and with any content, that may be prescribed, to (as the case may be)—
 - (a) the relevant church official to whom the direction was given, or
 - (b) the relevant person to whom the reproduction was provided,requiring the reproduction to be delivered to the registrar within 8 days beginning with the day on which the notice is issued.
- (9) Subsection (10) applies if the reproduction is not delivered in accordance with the notice issued under subsection (8).
- (10) A relevant registrar may issue a further notice, in any form, and with any content, that may be prescribed, to the relevant church official or (as the case may be) relevant person, requiring the personal attendance of the official or (as the case may be) relevant person at premises in the registration district in which the marriage was solemnized, for the purpose of—
 - (a) delivering the reproduction, signed so far as is reasonably practicable by the original signatories, to the registrar, or
 - (b) if the official or (as the case may be) relevant person is not able to do so, explaining why this is the case.
- (11) A person who is issued with a notice under subsection (10) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.
- (12) Where a registrar is satisfied that, so far as is reasonably practicable, a marriage document or marriage schedule reproduced under this section has been signed by the persons mentioned in subsection (2)(b) or (as the case may be) (4)(b), the reproduction is to be treated as a signed marriage document or (as the case may be) marriage schedule for all purposes under this Act (and see, in particular, subsections (10) to (12) of section 53D).

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(13) In this section—

“relevant church official”, in relation to a marriage document, means—

- (a) the clergyman who solemnized the marriage, or
- (b) if the Registrar General is satisfied that clergyman is not available to carry out the direction under subsection (2), a person appointed by the bishop of the diocese to carry out such directions;

“relevant original signatories” means—

- (a) in relation to a marriage document, the parties to the marriage and the witnesses, who signed the first marriage document in accordance with section 53B;
- (b) in relation to a marriage schedule, the parties to the marriage, the person by or before whom the marriage was solemnized if different to the specified person in relation to the marriage and the two witnesses, who signed the first marriage schedule in accordance with section 53C;

“relevant person”, in relation to a marriage schedule, means—

- (a) the specified person in relation to the marriage,
- (b) if the superintendent registrar to whom the direction is given under subsection (4) is satisfied that the specified person is not available to arrange for the reproduction to be signed by the original signatories—
 - (i) in the case of a marriage solemnized according to the rites of the Church of England, a person appointed by the bishop of the diocese to carry out the functions of a relevant person under this section,
 - (ii) in the case of a marriage solemnized according to the usages of the Society of Friends, another officer of that Society in the registration district in which the marriage was solemnized,
 - (iii) in the case of a marriage solemnized according to the usages of the Jews where both parties to the marriage are members of the same synagogue, another secretary of that synagogue,
 - (iv) in the case of a marriage solemnized according to the usages of the Jews where the parties to the marriage are members of different synagogues, a secretary for either of those synagogues,
 - (v) in the case of a marriage solemnized in a registered building without the presence of a registrar, an authorised person in relation to that building or of some other registered building in the same registration district or a registrar of that district, or
- (c) if the superintendent registrar is satisfied that there is no person falling within paragraph (a) or (b) available to arrange for the reproduction to be signed by the original signatories, a registrar in the registration district in which the marriage was solemnized;

“relevant registrar” means a registrar in the registration district in which the marriage was solemnized;

“the signing period” means 28 days beginning with—

- (a) in the case of a marriage document, the day on which the Registrar General gives the direction under subsection (2);
- (b) in the case of a marriage schedule, the day on which the superintendent registrar provides the reproduction to a relevant person and requires them in writing to arrange for the reproduction to be signed under

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subsection (4)(b) (and if the superintendent registrar does those things on different days, the later of those two days).]

Textual Amendments

- F1** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with [Sch. 2](#))

Modifications etc. (not altering text)

- C1** S. 53E applied (with modifications) (4.5.2021) by 1970 c. 34, s. 15 (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 56\(11\)](#)) (with [Sch. 2](#))

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