

20xx No.

MARRIAGE REGISTRATION, ENGLAND AND WALES

The Registration of Marriages Regulations

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - ***

The Secretary of State makes the following Regulations in the exercise of the powers conferred by sections 1, 2 and 3 of the Registration of Marriage Act 20xx.

Citation, commencement, interpretation

1. These Regulations may be cited as the Registration of Marriage Regulations 20xx and will come into force on 20xx.

2. In these Regulations:

(a) “the Act” means the Marriage Act 1949(a).

Amendments to Part II of the Act (Marriage According to the rites of the Church of England)

3. After section 16 (Provisions as to common licences) insert—

“16A Issue of marriage document

(1) Before the solemnization of a marriage—

- (a) after the publication of banns,
- (b) on the authority of a special licence, or
- (c) on the authority of a common licence,

the clergyman who is to solemnize the marriage shall issue a document, to be known as a “marriage document”, in the prescribed form.

(2) The clergyman may question the parties to the marriage to ensure that the information in the marriage document is correct before it is issued.

(3) Before the solemnization of the marriage the clergyman may—

- (a) make any necessary corrections to the marriage document (before or after it is issued); and
- (b) re-issue the marriage document,

in accordance with regulations made under subsection (4).

(4) The Registrar General, with the approval of the Secretary of State, may by regulations—

(a) 1949 c. 76.

- (a) make provision in relation to the making of corrections to a marriage document, before a marriage is solemnized;
 - (b) make provision with regards to the re-issue of a marriage document, before a marriage is solemnized.
- (5) Regulations made under this section must be made by statutory instrument.”

Amendments to Part III of the Act (Marriage under the Superintendent Registrar’s Certificate)

4.—(1) In the heading of Part III—

- (a) omit “Certificate”; and
- (b) after “under” insert “a marriage schedule issued by a”.

(2) For the first sub-heading of Part III “*Issue of certificates*” substitute “*Issue of a marriage schedule*”.

5. Section 31 (Marriage under certificate without licence) is amended as follows—

(1) In the title, for “certificate” substitute “marriage schedule”.

(2) In sections 31(1) and 31(4) for “certificates of” substitute “a marriage schedule issued by”.

(3) For subsection (2) to (3) substitute:

“(2) Once the superintendent registrar for the district in which a marriage is to take place is satisfied that one of the conditions in subsection (3) is met, the superintendent registrar shall issue a document to be known as a “marriage schedule” in the prescribed form, unless—

- (a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the marriage schedule; or
- (b) the issue of the marriage schedule has been forbidden under section 30 by a person authorised in that behalf.

(2A) The superintendent registrar may question the parties to the marriage to ensure that the information in the marriage schedule is correct before it is issued.

(2B) Before the solemnization of the marriage the superintendent registrar may—

- (a) make any necessary corrections to the marriage schedule (before it is issued), and
- (b) re-issue the marriage schedule,

in accordance with regulations made under subsection (3A).

(2C) Before the solemnization of a marriage but after the marriage schedule has been issued, the registrar may make any necessary corrections to the marriage schedule in accordance with regulations made under subsection (3A).

(3) The conditions are that—

- (a) the waiting period in relation to each notice of marriage has expired; or
- (b) the waiting period in relation to the notice of marriage given by a party to the marriage residing in England has expired and the superintendent registrar has received a certificate issued under section 7(2) of the Marriage (Scotland) Act 1977 to the other party; or
- (c) where one party to the marriage is an officer, seaman or marine borne on the books of one of Her Majesty’s ships at sea, that the waiting period in relation to the notice of marriage given by the party residing in England has expired and the superintendent registrar has received a certificate issued under section 39 to the other party.

(3A) The Registrar General, with approval of the Secretary of State, may by regulations—

- (a) prescribe the content of a marriage schedule;

- (b) make provision in relation to the making of corrections to a marriage schedule, before the marriage is solemnized; and
- (c) make provision with regards to the re-issue of a marriage schedule, before the marriage is solemnized.”.

(4) In subsection 5H after “subsection” insert “ (3A),”.

6. In section 37 (One party resident in Scotland) for (1)(c) substitute:

“(c) if the party residing in Scotland gives notice in accordance with section 7 of the Marriage (Scotland) Act 1977, a certificate issued in accordance with that section must be delivered to the superintendent registrar in the district in which the marriage is to take place, before the marriage schedule is issued.”.

7.—(1) In section 39 (Issue of certificates on board His Majesty’s ships) in (2) for “shall have the like force and effect as a certificate issued by a superintendent registrar under this Part of this Act” substitute “must be delivered to the superintendent registrar in the district in which the marriage is to take place before the marriage schedule is issued,”

8. In section 39A (Marriage of former civil partners one of whom has changed sex) for (4)(b) substitute:

“(b) in subsection (2), for “Once the superintendent registrar for the district in which a marriage is to take place is satisfied that one of the conditions is subsection (3) is met, the superintendent registrar” substitute “As soon as notice of the marriage has been given the superintendent registrar for the district in which a marriage is to take place””.

9. Omit section 40 (Forms of certificate to be furnished by Registrar General).

10. In section 44 (Solemnization of marriage in registered building)—

- (a) omit subsection (4), and
- (b) in subsection (5) for “for the due registration of marriage” substitute “solemnization of the marriage or the signing of the marriage schedule”.

11. In section 46 (Register office marriage followed by religious ceremony) subsection (2) for “any marriage register book” substitute “the marriage register”.

12. In section 47 (marriages according to the usages of Society of friends) subsection (2)(b) for “registering” insert “an”.

13. In the section 49(d) (Void marriages), for “certificates which are” substitute “a marriage schedule which is”.

14. In section 50 (Person to whom certificate to be delivered)—

- (a) in subsection (1)(d), for “the registering” substitute “an”,
- (b) in subsection (1)(e), for “is required to be registered under Part IV of this Act” substitute “schedule is required to be signed in accordance with section 54(3)(b)”.
- (c) omit subsection (3).

Amendments to Part IV of the Act (Registration of Marriages)

15. Omit sections 53 (Persons by whom marriages are to be registered) to 62 (Disposal of register books on church ceasing to be used for solemnization of marriages).

16. After the heading “Part IV Registration of Marriage” insert:

“**53.** Signing of a marriage document

(1) This section applies to a marriage solemnized—

- (a) after the publication of banns,
- (b) on the authority of a special licence, and

(c) on the authority of a common licence.

(2) The parties to the marriage to which this section applies must sign the marriage document (which has been issued for the purpose of registering their marriage) in the presence of—

- (a) each other,
- (b) the clergyman by whom the marriage is solemnized, and
- (c) two witnesses.

(3) After the marriage document has been signed under subsection (2) it must also be signed in the presence of the parties to the marriage and each other by—

- (a) the two witnesses, and
- (b) the clergyman by whom the marriage is solemnized.

54. Signing of a marriage schedule

(1) This section applies to a marriage to be solemnized on the authority of a marriage schedule.

(2) The parties to a marriage to which this section applies must sign the marriage schedule in the presence of—

- (a) the specified person,
- (b) each other, and
- (c) two witnesses.

(2) After the marriage schedule has been signed under subsection (2), the specified person and the two witnesses must sign the marriage schedule in the presence of the parties to the marriage and each other—

- (a) in the case of a marriage according to the usages of the Society of Friends, as soon as conveniently may be after the solemnization of the marriage, or
- (b) in any other case, immediately after the solemnization of the marriage.

(3) For the purpose of this part, the specified person is—

- (a) in the case of a marriage solemnized according to the usages of the Society of Friends, an officer of that Society appointed for the district in which the marriage is solemnized;
- (b) in the case of a marriage solemnized according to the usages of persons professing the Jewish religion—
 - (i) where the parties to the marriage are both members of the same synagogue, the secretary of that synagogue, or
 - (ii) where the parties to the marriage are members of different synagogues, the secretary of whichever of those synagogues the parties to the marriage nominate;
- (c) in the case of a marriage solemnized in a registered building or at a person's residence in the presence of a registrar, that registrar;
- (d) in the case of a marriage solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is solemnized;
- (e) in the case of a marriage solemnized in the office of a superintendent registrar, the registrar in whose presence the marriage is solemnized;
- (f) in the case of a marriage solemnized on approved premises in pursuance of section 26(1)(bb) of this Act, the registrar in whose presence the marriage is solemnized;
- (g) in the case of a marriage solemnized according to the rites of the Church of England, the clergyman by whom the marriage is solemnized.

55. Registration of marriage

(1) In the case of a marriage document signed in accordance with section 53, the clergyman by whom the marriage was solemnized must return the marriage document to the parties to the marriage once it is so signed.

(2) In the case of a marriage schedule signed in accordance with section 54—

- (a) where there is no attending registrar, the specified person must return the marriage schedule to the parties to the marriage once it is so signed; or
- (b) where the marriage is attended by a registrar, that registrar shall take custody of the marriage schedule once it is so signed.

(3) The parties to a marriage taking custody of a marriage document or marriage schedule under subsection (1) or (2)(a) must ensure that the marriage document or marriage schedule (as the case may be) is delivered to the registrar of the district in which the marriage took place, within 7 days of it being signed.

(5) If the signed marriage document or marriage schedule is not delivered to the registrar within 7 days of the solemnization of the marriage, the registrar shall send notice to the parties to the marriage to return the marriage document or marriage schedule (as the case may be) within 21 days of the solemnization of the marriage.

(6) If the signed marriage document or marriage schedule is not delivered as required in a notice sent under subsection (5), the registrar may send notice to the parties to the marriage to attend personally at the office of the superintendent registrar, for the purpose of delivering the signed marriage document or marriage schedule (as the case may be) within 8 days of the notice under this subsection being sent.

(7) A registrar or superintendent registrar in receipt of a signed marriage document or marriage schedule must, as soon as reasonably possible, register the marriage by making a copy of the particulars set out therein, in an approved electronic form.

56. Regulations

(1) The Registrar General, with the approval of the Secretary of State, may by regulations make provision for—

- (a) the retention and storage of signed marriage schedules and signed marriage documents once the particulars therein have been registered, and
- (b) the correction of entries in the marriage register or pre-commencement marriage books;
- (c) the keeping of pre-commencement marriage register books;
- (d) the keeping in a church or chapel records of marriages solemnized according to the rites of the Church of England in the church or chapel.

(2) Regulations under this section must be made by statutory instrument.”

17. In section 63 (Searches in register books) for subsection (1), substitute—

“(1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue and registrar by whom pre-commencement marriage register books are kept, shall, at all reasonable hours, allow for searches to be made of any such copy or in any such book.”

18.—(1) In section 64 (Searches of indexes kept by superintendent registrars) for subsections (1) and (2) substitute—

“(1) Every superintendent registrar must—

- (a) make indexes of all entries in the marriage register to be kept in an approved electronic form.
- (b) keep indexes of all entries in pre-commencement register books with the records of his office or in an approved electronic form.

(2) A person shall be entitled—

- (a) to search the indexes of the marriage register and pre-commencement marriage register books at any time when the office is required to be open for the transaction of public business; and
- (b) to have a certified copy of an entry in the marriage register or a pre-commencement register books.”

19. In section 65 (Searches of indexes kept by Registrar General) for subsections (1) and (2) substitute—

“(1) The Registrar General must—

- (a) make indexes of all entries in the marriage register to be kept in the General Registry Office.
- (b) keep indexes of all entries in pre-commencement marriage register books in the General Registry Office.

(2) A person shall be entitled—

- (a) to search the indexes of the marriage register and pre-commencement marriage register books at any time when the General Register Office is open for that purpose; and
- (b) to have a certified copy of an entry in the marriage register or a pre-commencement marriage register books.”

20. Omit section 66 (Sending documents by post).

21.—(1) Section 67 (Interpretation of Part IV) is amended as follows—

(2) for the entry relating to “incumbent” substitute—

“incumbent means the rector, vicar or curate in charge of a church and chapel in which marriages may be solemnized according to the rites of the Church of England”.

(3) insert at the appropriate place—

““pre-commencement marriage register book” means a marriage register book that was in existence at the time sections 53 to 56 came into force.”

(4) Omit the entry for “superintendent registrar”.

22. In section 71A (fees) omit (1)(f).

23. Omit section 76(2) (Offences relating to registration of marriages).

24. After section 76, insert

“**76A.** Offence of failing to attend the registry office to deliver a signed marriage schedule

(1) A party to the marriage who fails to attend the office of the superintendent registrar in compliance with a notice sent under section 55(6) commits an offence.

(2) A person guilty of an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.”

25. Schedule 1 – Consequential and related amendments, has effect.

26. Schedule 2 – Transitional provisions, has effect.

Home Office
Date

Name
Minister of State

SCHEDULE 1

Consequential and related amendments

The Marriage Act 1949

27. Whenever the words “marriage register book” appear insert before them “pre-commencement”.

28.—(1) In the following sections for “certificates” substitute “a marriage schedule”—

- (a) 3(1) (Marriages of persons under twenty-one),
- (b) 5(1)(d) (Methods of authorising marriages),
- (c) 25(2)(b) (Void marriages),
- (d) 31ZA(3) (Notice of marriage: false information or evidence),
- (e) 35(5) and (6) (Marriages in registration district in which neither party resides),
- (f) 39(3) (Issue of certificates on board His Majesty’s ships),
- (g) 44(1) (Solemnization in registered building),
- (h) 45(1) (Solemnization of marriage in register office),
- (i) 50(1) and (3) (Person to whom certificate to be delivered),
- (j) 75(2)(a)(i) (Supplementary provisions as to marriages in usual places of worship).

(2) In the following sections for “certificates of” substitute “a marriage schedule issued by”—

- (a) 17 (Marriage under superintendent registrar’s certificate),
- (b) 25(1)(c) (Void marriages),
- (c) 27(1) (Notice of marriage),
- (d) 27B(1) (Provisions relating to section 1(3) marriages),
- (e) 30(1) (Forbidding of issue of certificate),
- (f) 33(1) (Period of validity of certificate),
- (g) 37(1) (One party resident in Scotland),
- (h) 39(1) (Issue of certificates His Majesty’s ships),
- (i) 45(1) (Solemnization of marriage in register office),
- (j) 49(e) (Void marriages),
- (k) 50(1) (Person to whom certificate to be delivered),
- (l) 75(1)(b), (d), (e) (Offences relating to solemnizations of marriages).

(3) In the following sections for “two certificates of” insert “a marriage schedule issued by”—

- (a) 26(1) (Marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary),
- (b) 26A(1) (Opt-in to marriage of same sex couples: places of worship),
- (c) 26B(1) (Opt-in to marriage of same sex couples: other religious ceremonies).

(4) In section 33(2)(b) (Period of validity of certificate) for “those certificates” substitute “that marriage schedule”.

(5) In the following sections for “certificate” substitute “marriage schedule”—

- (a) 27B(4), (5) and (6) (Provisions relating to section 1(3) marriages),
- (b) 28(1) (Declaration to accompany notice of marriage),
- (c) 29(1), (2), (3), (4) and (5) (Caveat against issue of certificate or licence),
- (d) 30(1), (2) and (3) (Forbidding of issue of certificate),
- (e) 31ZA(1) (Notice of marriage: false information or evidence),

- (f) 31A(1), (2), (3), (4) and (5) (Appeal on refusal under section 31(2)(a) or 31ZA),
- (g) 34 (Marriage normally to be solemnized in registration district in which one party resides),
- (h) 35(1), (2), (2A), (2B), (3), (3A) and (4) (Marriages in registration district in which neither party resides),
- (i) 39A(5) (Marriage of former civil partners one of whom has changed sex),
- (j) 75(3)(c) (Offences relating to solemnization of marriages).

(6) In sections 35(5) and (6) (Marriages in registration district in which neither party resides) for “each certificate” substitute “the marriage schedule”.

(7) In sections 75(3)(a) and (b) (Offences relating to solemnization of marriages) for “certificate for marriage” substitute “marriage schedule”.

(8) In the following titles for “certificate” substitute “marriage schedule”—

- (a) Section 17 (Marriage under superintendent registrar’s certificate)
- (b) section 29 (Caveat against issue of certificate or licence),
- (c) section 30 (Forbidding of issue of certificate),
- (d) section 33 (Period of validity of certificate),
- (e) section 50 (Person to whom certificate to be delivered).

[Further consequential and related amendments to be added, including those to the Marriages under the Marriage of British Subjects (Facilities) Act 1915, Marriages under the Marriage of British Subjects (Facilities) Act 1916, Marriage Act 1949, Registrar General’s Licence Act 1970 and The Immigration Act 2014]

SCHEDULE 2

Transitional provisions

[Transitional provisions to be added]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marriage Act 1949.

They provide that a clergyman solemnizing a marriage after the publication of banns, on the authority of a special licence or on the authority of a common licence must issue a marriage document which will be signed and returned to the registrar for the district in which the marriage took place so that the registrar may register the marriage. They also provide that any other marriage is only to be solemnized after the superintendent registrar for the district in which the marriage is taking place has issued a marriage schedule which is to be signed and returned to the registrar for the district in which the marriage took place so that the registrar may register the marriage.

These Regulations create a new offence of failing to attend at the office of a superintendent registrar having been given notice to do so for the purpose of returning a signed marriage document or schedule (as the case may be).

These Regulations also enable the Registrar General to prescribe the information and form of a marriage document and a marriage schedule. The information to be contained in the certificates previously issued by superintendent registrars was previously provided for in the Marriage Act 1949.

These replace previous provisions which required marriages to be solemnized on the issue of two certificates of a superintendent registrar and which required marriages to be registered to be registered by a number of different persons. There are a number of consequential and related amendments to the, Marriages under the Marriage of British Subjects (Facilities) Act 1915, Marriages under the Marriage of British Subjects (Facilities) Act 1916, Marriage Act 1949, Registrar General's Licence Act 1970 and The Immigration Act 2014 which are listed in Schedule 1.

Transitional provisions are listed in Schedule 2 to ensure the smooth transition to the new registration system.

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