Draft Regulations laid before Parliament under section 5(7) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 and section 5(7) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No

EXITING THE EUROPEAN UNION

IMMIGRATION

MARRIAGE

The Registration of Marriages Regulations 2021

Made - - - - 2021

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1 and 5(1), (4) and (5) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019(**a**) and section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(**b**).

In accordance with section 5(7) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 and section 5(7) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State is satisfied for the purposes of section 1(6) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 that these are the first Regulations to be made under section 1 of that Act.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Registration of Marriages Regulations 2021.

(2) Subject to paragraphs (3) to (10), these Regulations come into force on 4th May 2021.

(**a**) 2019 c. 12.
(**b**) 2020 c. 20.

(3) The following provisions come into force on the day after the day on which these Regulations are made—

(a) this regulation;

(b) regulation 2 (extent);

(c) regulation 3 (interpretation);

(d) paragraph 19 of Schedule 2 (transitional provision relating to the Marriage (Scotland) Act 1956(**a**));

(e) paragraph 20 of Schedule 2 (operation of sections 16 and 17 of the Interpretation Act 1978(**b**)).

(4) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of the Registrar General making regulations under the 1949 Act—

(a) regulation 5(3) and (5) (amendment of section 31 of the 1949 Act (marriage under certificate without licence)(**c**));

(b) regulation 7 (insertion of sections 53A to 53E into the 1949 Act (registration of marriages));

(c) paragraph 7 of Schedule 1 (insertion of section 21A into the 1949 Act (issue of marriage document));

(d) paragraph 12(2) of Schedule 1 (amendment of section 27 of the 1949 Act (notice of marriage)(**d**));

(e) paragraph 43 of Schedule 1 (amendment of regulation making power in section 74 of the 1949 Act (regulations and approval of electronic forms etc)(**e**));

(f) paragraph 47(2) and (4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)(**f**));

(g) paragraph 53(3) of Schedule 1 (amendment of Marriage (Scotland) Act 1956).

(5) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of the Secretary of State making regulations under the 1949 Act—

(a) regulation 7 (insertion of sections 53A to 53E into the 1949 Act (registration of marriages));

(b) paragraph 12(3) of Schedule 1 (amendment of section 27 of the 1949 Act (notice of marriage));

(c) paragraph 42 of Schedule 1 (amendment of regulation making power in section 71A of the 1949 Act (fees)(**g**));

(d) paragraph 47(4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)).

(**a**) 1956 c. 70.

(**b**) 1978 c. 30.

(**c**) Section 31 was amended by sections 160(4)(c), (5) and (6) and 163(1) of, and paragraph 10(4) of Schedule 4 and paragraph 14 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999 (c. 33), paragraph 10(2) and (3) of Schedule 4 to the Immigration Act 2014 (c.22), paragraph 10 to Schedule 15 of the Immigration Act 2016 (c. 19) and S.I. 1968/1242, S.I. 2009/2821 and S.I. 2008/678.

(**d**) Section 27 was amended by section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 5 of Schedule 1 to the Marriage Act 1983 (c. 32), paragraph 2 of the Schedule to the Marriage Act 1994 (c.34), paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and paragraph 2 of Schedule 4 to the Immigration Act 2014, paragraph 9 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(**e**) Section 74 was amended by Schedule 2 to the Registration Services Act 1953 (c. 37), paragraph 15 of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 19 of Schedule 15 to the Immigration Act 2016, S.I. 2008/678 and S.I. 2009/2821.

(**f**) Section 78 was amended by paragraph 20(2)(b) of Schedule 7 to the Marriage (Same Sex Coupes) Act 2013 (c. 30). There are further amendments to section 78 which are not relevant.

(**g**) Section 71A(1)(f) was inserted by paragraph 1 of Schedule 15 to the Immigration Act 2016.

(6) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of an Order in Council being made under section 39 of the 1949 Act—

(a) paragraph 27 of Schedule 1 (amendment of section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships)(**a**));

(b) paragraph 47(4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)).

(7) The following provisions come into force on 19th April 2021—

(a) paragraph 7 of Schedule 1 (insertion of section 21A into the 1949 Act (issue of marriage document)) for all remaining purposes;

(b) paragraph 3 of Schedule 2 (issue of marriage document before 4th May 2021 for marriage on or after that date);

(c) paragraph 8 of Schedule 2 (issue of marriage schedule before 4th May 2021 for marriage on or after that date).

(8) The following provisions come into force on 19th April 2021 for the purposes of paragraph 8 of Schedule 2 (issue of marriage schedule before 4th May 2021 for marriage on or after that date)—

(a) regulation 5(3), (5) and (9) (amendment of section 31 of the 1949 Act (marriage under certificate without licence));

(b) paragraph 21(2) of Schedule 1 (amendment of section 31ZA(2) of the 1949 Act (notice of marriage: false information or evidence)(**b**));

(c) paragraph 22 of Schedule 1 (amendment of section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA of that Act)(**c**));

(d) paragraph 44(5) of Schedule 1 (amendment of section 75 of the 1949 Act (offences relating to issuing marriage schedules)(**d**)).

(9) The following provisions come into force on 1st July 2021—

(a) regulation 4 (amendment of section 28B of the 1949 Act (provision of evidence)(**e**));

(b) paragraph 13(4) of Schedule 1 (amendment of paragraph (a) of section 27ZA of the 1949 Act (entry of particulars in notice book: compliance with requirements)(**f**)).

(10) The following provisions come into force on 1st August 2021—

(a) regulation 6 (repeal of sections 53 to 62 of the 1949 Act) insofar as it omits—

(i) section 57 of the 1949 Act (quarterly returns to be made to the superintendent registrar)(**g**);

(ii) section 58 of the 1949 Act (quarterly returns to be made by superintendent registrar to Registrar General)(**h**);

(**a**) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

(**b**) Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.

(**c**) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.

(**d**) Section 75 was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 7 of the Schedule to the Marriage Act 1994 (c. 34), paragraph 30 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, part 11 of Schedule 10 of the Protection of Freedoms Act 2012 (c. 9), paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, S.I. 1997/986 and S.I. 2009/2821.

(**e**) Section 28B was inserted by paragraph 7 of Schedule 4 to the Immigration Act 2014.

(**f**) Section 27ZA was inserted by paragraph 3(1) of Schedule 4 to the Immigration Act 2014.

(**g**) Section 57 was amended by Schedule 2 to the Registration Service Act 1953 (c.37), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(**h**) Section 58 was amended by paragraph 12 of Schedule 1 and Schedule 2 to the Registration Service Act 1953, S.I. 2008/678 and S.I. 2009/2821.

(iii) section 62(2)(a) of the 1949 Act (delivery of certified copies on church ceasing to be used for solemnization of marriages);

(b) paragraph 45 of Schedule 1 (amendment of section 76 of the 1949 Act (offences relating to registration of marriages)(**a**));

(c) paragraph 64 of Schedule 1 (amendment of the Marriage (Authorised Persons) Regulations 1952(**b**)) insofar as it omits—

(i) the definition of "superintendent registrar" in regulation 2 of the Marriage (Authorised Persons) Regulations 1952;

(ii) regulations 7 and 9(2) of the Marriage (Authorised Persons) Regulations 1952(**c**);

(d) paragraphs 70(4) and (5) of Schedule 1 (amendment of the Registration of Marriages Regulations 2015(**d**) in relation to quarterly returns);

(e) paragraph 70(6)(a) of Schedule 1 (amendment of Schedule 1 to the Registration of Marriages Regulations 2015) insofar as it omits the rows beginning "16" and "17";

(f) paragraph 70(6)(b) of Schedule 1 (amendment of Schedule 1 to the Registration of Marriages Regulations 2015) insofar as it omits prescribed forms 16 and 17.

Extent

2.—(1) Subject to paragraphs (2) and (3), these Regulations extend to England and Wales only.

(2) Any amendment, repeal or revocation made by these Regulations of a provision has the same extent as the provision amended, repealed or revoked.

(3) This regulation and the following provisions extend to England and Wales, Scotland and Northern Ireland—

(a) regulation 1 (citation and commencement);

(b) regulation 3 (interpretation);

(c) in Schedule 2 (transitional provision)—

(i) paragraph 1 (interpretation);

(ii) paragraph 2 (transitional provision relating to consent given to marriage of persons under eighteen);

(iii) paragraph 4 (transitional provision relating to effect of notice of marriage given before 4th May 2021);

(iv) paragraph 5 (transitional provision relating to effect of caveats);

(v) paragraph 6 (transitional provision relating to forbidding);

(vi) paragraph 9 (transitional provision relating to appeals on refusal to issue a certificate for marriage);

(vii) paragraphs 16 to 18 (transitional provision relating to the Marriage of British Subjects (Facilities) Act 1915(**e**) and the Marriage of British Subjects (Facilities) Amendment Act 1916(**f**));

(viii) paragraph 19 (transitional provision relating to the Marriage (Scotland) Act 1956);

(ix) paragraph 20 (operation of sections 16 and 17 of the Interpretation Act 1978).

(**a**) Section 76 was amended by the sections 37, 38 and 46 of the Criminal Justice Act 1982 c.42.

(**b**) S.I. 1952/1869, relevant amending instruments are S.I. 1965/528, 1971/1216, 1974/573, 1986/1444, 2000/3164, 2005/3177, 2014/107, 2014/3061, 2015/177.

(**c**) Regulation 9(2) was amended by S.I. 2000/3164.

(**d**) S.I. 2015/207.

(**e**) 1915 c. 40. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

(**f**) 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.

Interpretation

3. In these Regulations "the 1949 Act" means the Marriage Act 1949(**a**).

PART 2

Provision of evidence

Amendment of section 28B of the 1949 Act

4. In section 28B of the 1949 Act (provision of evidence)(**b**), after subsection (1), insert—

"(1A) If a party to the marriage is a relevant national within the meaning of paragraph (ab) of the definition of "relevant national" in section 78(1)(**c**), the notice of marriage under section 27 must also be accompanied—

(a) where the party falls within paragraph (ab)(i) of that definition, by an electronic certificate which confirms that the leave referred to in that provision has been granted; or

(b) where the party falls within paragraph (ab)(ii) of that definition—

(i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(**d**) has been made; and

(ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.".

PART 3

Marriage under marriage schedule

Amendment of section 31 of the 1949 Act

5.—(1) Section 31 of the 1949 Act (marriage under certificate without licence)(**e**) is amended as follows.

(2) In the heading, for "certificate without licence" substitute "marriage schedule".

(3) For subsections (1) to (4), substitute—

"(1) Where a marriage is intended to be solemnized on the authority of a marriage schedule, the superintendent registrar to whom notice of marriage is given must display in some conspicuous place in their office, for 28 successive days beginning with the day after the day on which the notice was recorded in the marriage register—

(a) the notice of marriage,

(b) the particulars given in the notice, in an approved electronic form, or

(c) an exact copy, signed by the superintendent registrar, of the particulars given in the notice, as entered in the marriage register.

(**a**) 1949 c. 76.

(**b**) Section 28B was inserted by paragraph 7 of Schedule 4 to the Immigration Act 2014.

(**c**) The definition of "relevant national" was inserted by paragraph 17 of schedule 4 to the Immigration Act 2014 and amended by S.I. 2019/745 and is prospectively amended by S.I. 2020/1309 but these amendments are not yet in force.

(**d**) S.I. 2020/1209.

(**e**) Section 31 was amended by sections 160(4)(c), (5) and (6) and 163(1) of, and paragraph 10(4) of Schedule 4 and paragraph 14 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 10(2) and (3) of Schedule 4 to the Immigration Act 2014, paragraph 10 to Schedule 15 of the Immigration Act 2016 and S.I. 1968/1242, S.I. 2009/2821 and S.I. 2008/678.

(2) 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, issue a document to be known as a "marriage schedule" in any form, and with any content, that may be prescribed, 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.

(3) The conditions are that—

(a) the waiting period in relation to each notice of marriage has expired;

(b) where one party to the marriage resides in Scotland, the superintendent registrar has received a certificate issued to that party under section 7(2) of the Marriage (Scotland) Act 1977(**a**) and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired;

(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, the superintendent registrar to whom notice of marriage was given by the other party has received a certificate issued under section 39(**b**) to the party borne on the books of one of Her Majesty's ships at sea and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired.

(3A) A marriage schedule must include a statement that the issue of the marriage schedule has not been forbidden under section 30.

(4) A marriage schedule issued under subsection (2) is to be issued to one or both of the parties to the marriage, except in a case where the marriage is to be solemnized in the presence of a registrar, in which case the marriage schedule is to be issued to that registrar."
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(4) In subsection (4A), for "entered in the marriage notice book, or in an approved electronic form by virtue of section 27(4A)" substitute "recorded in the marriage register".

(5) In subsection (5), for "certificate under this section" substitute "marriage schedule".

(6) In subsection (5B), for "the period of 28 days mentioned in subsections (1) to (2)" substitute "the period mentioned in subsection (4A), ignoring paragraph (b)".

(7) Omit subsection (5C).

(8) In subsection (5EA), omit "and the reference to the Registrar General in subsection (5C) accordingly has effect as a reference to the Secretary of State".

(9) In subsection (5EB), at the end, insert "and (if different) to the superintendent registrar responsible for issuing the marriage schedule".

PART 4

Registration of marriages

Repeal of sections 53 to 62 of the 1949 Act

(**a**) 1977 c. 15. Section 7(2) was amended by section 18(3) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).

(**b**) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

6. Omit sections 53 to 62 of the 1949 Act (registration of marriages)(**a**).

Registration of marriages

7. In Part 4 of the 1949 Act, before section 63 (searches in register books), insert—

"53A Register of marriages

(1) The Registrar General must maintain a register for the recording of information relating to marriages and the registration of marriages, which is to be known as the "marriage register".

(2) The marriage register must be accessible in electronic form.

(3) Where a marriage is registered under section 53D(10)(a), the entry must be available to—

(a) the Registrar General, and

(b) the superintendent registrar in whose registration district the marriage was solemnized,

immediately after the entry has been made.

(4) Subject to subsection (5), information entered in the marriage register under any provision of this Act other than sections 29(1) or 53D(10)(a) must not be made available to the Registrar General.

(5) Subsection (4) does not apply to information entered in the marriage register under section 27(4) where the superintendent registrar who entered the information has agreed that it may be made available.

53B 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, or

(c) on the authority of a common licence.

(2) Before the marriage document is signed, the clergyman by whom the marriage is to be or has been solemnized may ask the parties to the marriage questions regarding the contents of the marriage document.

(3) The parties to a marriage to which this section applies must sign the marriage document, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—

(a) each other,

(b) the clergyman by whom the marriage was solemnized, and

(c) two witnesses.

(4) Immediately after the marriage document has been signed in accordance with subsection (3) it must also be signed in the presence of the parties to the marriage and each other by—

(**a**) Section 53 was amended by paragraph 16 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage Act 1994 and paragraph 16 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013. Section 55 was amended by paragraph 17 of Schedule 1 to the Marriage Act 1983. Section 57 was amended by Schedule 2 to the Registration Service Act 1953, paragraph 40 of Schedule 29 to the Local Government Act 1972 (c.70), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821. Section 58 was amended by paragraph 12 of Schedule 1 and Schedule 2 to the Registration Service Act 1953, S.I. 2008/678 and 2009/2821, and further had functions transferred by S.I. 1968/1699 and S.I. 1996/273. Section 59 was amended by Schedule 2 to the Registration Service Act 1953 and paragraph 18 of Schedule 1 to the Marriage Act 1983. Section 63 was amended by paragraph 15 of Schedule 15 to the Immigration Act 2016 and S.I. 1968/1242.

(a) the clergyman by whom the marriage was solemnized, and

(b) the two witnesses.

53C Signing of a marriage schedule

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

(2) Before the marriage schedule is signed, the specified person may ask the parties to the marriage questions regarding the contents of the marriage schedule.

(3) In the case of a marriage according to the usages of the Society of Friends or according to the usages of the Jews, before the specified person signs the marriage schedule, the specified person must be satisfied that the proceedings in relation to the marriage were conformable to the usages of the said Society or (as the case may be) to the usages of the Jews.

(4) Subsections (2) and (3) apply whether or not the specified person was present at the marriage.

(5) The parties to a marriage to which this section applies must sign the marriage schedule, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—

(a) each other,

(b) the specified person,

(c) (if different to the specified person) the person by or before whom the marriage was solemnized, and

(d) two witnesses.

(6) Immediately after the marriage schedule has been signed in accordance with subsection (5), the specified person, the person by or before whom the marriage was solemnized (if different to the specified person) and the two witnesses must sign the marriage schedule in the presence of the parties to the marriage and each other.

(7) In the case of a marriage solemnized according to the usages of the Society of Friends or according to the usages of the Jews where the specified person is not present at the solemnization of the marriage—

(a) the persons referred to in subsection (5)(a), (c) and (d) may sign the marriage schedule without being in the presence of the specified person;

(b) the specified person must sign the marriage schedule as soon as is convenient after the persons referred to in subsection (5)(a), (c) and (d) have signed the marriage schedule;

(c) the specified person may sign the marriage schedule without being in the presence of the persons referred to in subsection (5)(a), (c) and (d).

(8) For the purposes of this Part, the specified person is—

(a) in the case of a marriage solemnized according to the rites of the Church of England, the clergyman by whom the marriage is solemnized;

(b) in the case of a marriage solemnized according to the usages of the Society of Friends, an officer of that Society;

(c) in the case of a marriage solemnized according to the usages of the Jews—

(i) where the parties to the marriage are both members of the same synagogue, a secretary of that synagogue, or

(ii) where the parties to the marriage are members of different synagogues, a secretary of whichever of those synagogues the parties to the marriage nominate;

(d) in the case of a marriage solemnized in the presence of a registrar, that registrar;

(e) 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.

53D Registration of marriage

(1) Subsection (2) applies in the case of a marriage that is solemnized—

(a) after the publication of banns,

(b) on the authority of a special licence, or

(c) on the authority of a common licence.

(2) Once the marriage document for the marriage is signed in accordance with section 53B, the clergyman who solemnized the marriage must ensure that the marriage document is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document was completed.

(3) In the case of a marriage that is solemnized on the authority of a marriage schedule—

(a) where the marriage is attended by a registrar, that registrar must take custody of the marriage schedule once it is signed in accordance with section 53C;

(b) otherwise, once the marriage schedule is signed in accordance with section 53C, the specified person must ensure that it is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage schedule was completed.

(4) The duty imposed by subsections (2) or (3)(b) to ensure the marriage document or (as the case may be) marriage schedule is delivered to a registrar may be discharged by sending a copy in an approved electronic form.

(5) Subsection (6) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document or marriage schedule was completed.

(6) A registrar in the registration district in which the marriage was solemnized may issue a notice, in any form, and with any content, that may be prescribed, to the specified person requiring them to deliver the marriage document or (as the case may be) marriage schedule to a registrar, in that registration district, within 8 days beginning with the day on which the notice is issued.

(7) Subsection (8) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered in accordance with a notice issued under subsection (6).

(8) A registrar in the registration district in which the marriage was solemnized may issue a further notice, in any form, and with any content, that may be prescribed, to the specified person, requiring the personal attendance of the specified person at premises in the registration district in which the marriage was solemnized, for the purpose of—

(a) delivering the signed marriage document or (as the case may be) marriage schedule to the registrar, or

(b) if the specified person is not able to do so, explaining to the registrar why this is the case.

(9) A specified person who is issued with a notice under subsection (8) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.

(10) A registrar who has a signed marriage document or marriage schedule—

(a) must, as soon as reasonably practicable, register the marriage by entering the particulars in the marriage document or marriage schedule into the marriage register;

(b) may issue a certified copy of the entry in the marriage register.

(11) Information regarding a signed marriage document or marriage schedule may be provided by a registrar for the registration district in which the marriage was solemnized to a specified person in that registration district for the purposes of establishing—

(a) whether the marriage document or marriage schedule is authentic, or

(b) whether every marriage document signed under section 53B and every marriage schedule signed under section 53C in that registration district has been registered under subsection (10).

(12) Where a registrar has provided information to a specified person in accordance with subsection (11), that specified person may, for any of the purposes mentioned in that subsection, provide that registrar with information regarding any marriage document or marriage schedule signed or alleged to have been signed in the registration district concerned.

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

(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).

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

PART 5

Amendment of the Marriage of British Subjects (Facilities) Acts 1915 and 1916

Amendment of the Marriage of British Subjects (Facilities) Act 1915

8.—(1) Section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere)(**a**) is amended as follows.

(2) In subsection (1)—

(a) for "in the United Kingdom" (in the first place it appears) substitute "in Scotland or Northern Ireland";

(b) omit "certificates for marriage issued by superintendent registrars in England and of".

(3) In paragraph (a) of subsection (1)—

(a) for "the United Kingdom" substitute "Scotland or Northern Ireland";

(**a**) 1915 c. 40. Section 1 was amended by the Marriage of British Subjects (Facilities) Amendment Act 1916. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

(b) for "England, Scotland," substitute "Scotland";

(c) omit "in England have the same effect as a certificate for marriage issued by a superintendent registrar, and".

(4) In paragraph (b) of subsection (1)—

(a) for "England, Scotland," (in both places it appears) substitute "Scotland";

(b) omit "in England by a superintendent registrar, or".

Amendment of the Marriage of British Subjects (Facilities) Amendment Act 1916

9. In section 1 of the Marriage of British Subjects (Facilities) Amendment Act 1916(**a**), for "England, Scotland," substitute "Scotland" (in each place it appears).

PART 6

Consequential and Transitional Provision

Consequential and related amendments

10. Schedule 1 contains consequential and related amendments.

Transitional Provision

11. Schedule 2 contains transitional provision.

Name
Parliamentary Under Secretary of State
Home Office

Date

SCHEDULE 1

Regulation 10

Consequential and related amendments

PART 1

Marriage Act 1949

Amendment of Part 1 of the 1949 Act (restrictions on marriage)

1.—(1) Section 3 of the 1949 Act (marriages of persons under eighteen)(**b**) is amended as follows.

(2) In subsection (1), for "certificates issued by a superintendent registrar under Part III of this Act" substitute "a marriage schedule".

(**a**) 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.

(**b**) Section 3 was amended by paragraph 9 of Schedule 2 to the Family Law Reform Act 1987 (c. 42), paragraph 5 of Schedule 12 and Schedule 15 to the Children Act 1989 (c. 41), paragraph 4 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, paragraph 2, paragraph 3, paragraph 4 and paragraph 5 of Schedule 3 to the Adoption and Children Act 2002 (c. 38), paragraph 13 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and paragraph 3 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 42 of Schedule 2 to the Children and Families Act 2014 (c. 6), and S.I. 2000/2698 .

(3) In subsection (2)—

(a) for "references" (in the first place it appears) substitute "a reference";

(b) for "references" (in the second place it appears) substitute "the reference".

Amendment of Part 2 of the 1949 Act (marriage according to the rites of the Church of England)

2. In section 5(1)(d) of the 1949 Act (certificates method of authorising marriages according to the rites of the Church of England)(**a**), for "certificates issued by a superintendent registrar" substitute "a marriage schedule".

3.—(1) Section 7 of the 1949 Act (time and manner of publication of banns)(**b**) is amended as follows.

(2) In subsection (3), omit "and marked in the manner directed by section fifty-four of this Act for the register book of marriages".

(3) After subsection (3) insert—

"(3A) A register book of banns must be marked as follows—

(a) every place of entry is to be numbered consecutively from the beginning to the end of the book on each side of every page, beginning with the number one;

(b) every entry is to be divided from the following entry by a printed line;

(c) every entry must contain—

(i) the names of the parties to the marriage,

(ii) the parish or other place where each party to the marriage resides, and

(iii) the dates on which the banns of matrimony in respect of the marriage were published.".

(4) In subsection (4), for "the last foregoing subsection" substitute "subsection (3)".

4. In the italic heading before section 17 of the 1949 Act (marriage under superintendent registrar's certificate), for "superintendent registrar's certificate" substitute "marriage schedule".

5. In section 17 of the 1949 Act (marriage under superintendent registrar's certificate)(**c**)—

(a) in the heading for "superintendent registrar's certificate" substitute "marriage schedule";

(b) for "certificates of a superintendent registrar" substitute "a marriage schedule";

(c) for "and certificates" substitute "and (if so specified) in the marriage schedule".

6. In section 18 of the 1949 Act (publication of banns and solemnization of marriages during repair and rebuilding of churches), omit subsection (3).

7. After section 21 of the 1949 Act (authorising of publication of banns and solemnization of marriages in churches and chapels of extra-parochial places)(**d**), insert—

"Issue of marriage document after publication of banns or the grant of a special or common licence

21A Issue of marriage document after publication of banns or the grant of a special or common licence

(1) This section applies to a marriage solemnized—

(**a**) Section 5 was amended by paragraph 3 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986, paragraph 5 to Schedule 14 of the Immigration and Asylum Act 1999, section 57(2) of the Immigration Act 2014 and S.I. 2000/2698.

(**b**) Section 7 was amended by section 2(2) of the Church of England Marriage (Amendment) Measure 2012 (No. 1).

(**c**) Section 17 was amended by paragraph 2 of Schedule 1 to the Marriage Act 1983 and paragraph 6 of Schedule 14 to the Immigration and Asylum Act 1999.

(**d**) Section 21 was applied by section 6(4) of the Sharing of Church Buildings Act 1969 (c. 38).

(a) after the publication of banns,

(b) on the authority of a special licence, or

(c) on the authority of a common licence.

(2) Before the solemnization of the marriage, the clergyman who is to solemnize the marriage must issue a document, or ensure a document is issued and provided to the clergyman, in any form, and with any content, that may be prescribed.

(3) The document issued under subsection (2) is to be known as a "marriage document".

(4) The clergyman must retain the marriage document until it is delivered to a registrar in accordance with section 53D(2).".

8.—(1) Section 25 of the 1949 Act (void marriages)(**a**) is amended as follows.

(2) In subsection (2)(b)—

(a) for "certificates" substitute "a marriage schedule";

(b) omit "by a superintendent registrar to whom due notice of marriage has been given".

(3) In subsection (2)(c), for "certificates of a superintendent registrar which are" substitute "a marriage schedule which is".

(4) In subsection (2)(d)—

(a) for "certificates of a superintendent registrar" substitute "a marriage schedule";

(b) for "and certificates" substitute "and (if so specified) in the marriage schedule".

Amendment of Part 3 of the 1949 Act (marriage under superintendent registrar's certificate)

9. In the heading of Part 3 of the 1949 Act (marriage under superintendent registrar's certificate), for "Superintendent Registrar's Certificate" substitute "marriage schedule".

10. In the italic heading before section 26 of the 1949 Act (issue of certificates)(**b**), for "certificates" substitute "a marriage schedule".

11. In the following sections of the 1949 Act, for "two certificates of a superintendent registrar" substitute "a marriage schedule"—

(a) section 26(1) (marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary);

(b) section 26A(1) (opt-in to marriage of same sex couples: places of worship)(**c**);

(c) section 26B(1) (opt-in to marriage of same sex couples: other religious ceremonies)(**d**).

12.—(1) Section 27 of the 1949 Act (notice of marriage)(**e**) is amended as follows.

(2) In subsection (1), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(3) For subsections (4) and (4A), substitute—

"(4) A superintendent registrar in receipt of a notice of marriage must, as soon as reasonably practicable—

(a) file the notice of marriage and keep it with the records of the superintendent registrar's office, and

---

(**a**) Section 25 was amended by paragraph 3 of Schedule 1 to the Marriage Act 1983, paragraph 7 of Schedule 14 to the Immigration and Asylum Act 1999 and paragraph 4 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(**b**) Section 26 was substituted by section 3 of the Marriage (Same Sex Couples) Act 2013.

(**c**) Section 26A was inserted by section 4(1) of the Marriage (Same Sex Couples) Act 2013.

(**d**) Section 26B was inserted by section 5 of the Marriage (Same Sex Couples) Act 2013.

(**e**) Section 27 was amended by section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 5 of Schedule 1 to the Marriage Act 1983, paragraph 2 of the Schedule to the Marriage Act 1994, paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 and paragraph 2 of Schedule 4 to the Immigration Act 2014, paragraph 9 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(b) record the notice of marriage by entering in the marriage register the particulars given in that notice together with the date of the notice.

(4A) A superintendent registrar must ensure that the following are open to inspection free of charge at all reasonable hours—

(a) the particulars and date referred to in subsection (4)(b) in respect of notices given in the superintendent registrar's registration district;

(b) any marriage notice book that was required to be kept in the office of the superintendent registrar before the introduction of the marriage register on 4th May 2021;

(c) particulars given in a notice of marriage, the date of the notice and the name of the person by whom the notice was given, where such information has been entered in an approved electronic form in the superintendent registrar's registration district before the introduction of the marriage register on 4th May 2021.".

13.—(1) Section 27ZA of the 1949 Act (entry of particulars in notice book: compliance with requirements)(**a**) is amended as follows.

(2) For the heading substitute "Circumstances in which a notice of marriage is not to be recorded in the marriage register".

(3) For "enter the particulars relating to a marriage in the marriage notice book in accordance with section 27(4), or in an approved electronic form by virtue of section 27(4A)," substitute "record a notice of marriage in the marriage register".

(4) In paragraph (a), after "section 28B(1);" insert—

"section 28B(1A);".

14.—(1) Section 27A of the 1949 Act (additional information required in certain cases)(**b**) is amended as follows.

(2) In subsection (6), for "marriage notice book" substitute "marriage register".

(3) Omit subsection (6A).

15.—(1) Section 27B of the 1949 Act (provisions relating to section 1(3) marriages)(**c**) is amended as follows.

(2) In subsection (1), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(3) In subsection (2), for "enter notice of the marriage in the marriage notice book, or in an approved electronic form by virtue of section 27(4A)" substitute "record notice of the marriage in the marriage register".

(4) In subsection (3), for "marriage notice book" substitute "marriage register".

(5) Omit subsection (3A).

(6) In subsection (4), for "the superintendent registrar shall not issue a certificate" substitute "a marriage schedule may not be issued".

(7) In subsection (5), for the words from "marriage notice book" to "may issue a certificate" substitute "marriage register and a marriage schedule may be issued".

(8) In subsection (6), for "certificate" substitute "marriage schedule".

(**a**) Section 27ZA was inserted by paragraph 3(1) of Schedule 4 to the Immigration Act 2014.

(**b**) Section 27A was inserted by paragraph 6 of Schedule 1 to the Marriage Act 1983 and was amended by paragraph 9 of Schedule 14 to the Immigration and Asylum Act 1999, paragraph 5 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 3(2) of Schedule 4 to the Immigration Act 2014, and S.I. 2009/2821.

(**c**) Section 27B was inserted by paragraph 5 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 amended by paragraph 10 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, paragraph 14 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and S.I. 2009/2821.

16. In section 27E(9)(c) of the 1949 Act (recording of additional information if party not relevant national)(**a**), at the end, insert "in the marriage register".

17. In section 28 of the 1949 Act (declaration to accompany notice of marriage)(**b**), in subsection (1), for "certificate for marriage" substitute "marriage schedule".

18. In section 28A(2) of the 1949 Act (power to require evidence of consent to marriages of same sex couples)(**c**), for paragraph (b) substitute—

"(b) before a marriage schedule is issued.".

19.—(1) Section 29 of the 1949 Act (caveat against issue of certificate)(**d**) is amended as follows.

(2) In the heading, for "certificate or licence" substitute "marriage schedule".

(3) For subsection (1) substitute—

"(1) Any person may enter a caveat with any superintendent registrar against the issue of a marriage schedule in respect of any person named in the caveat and that superintendent registrar must ensure that the fact that it has been entered and the information in it are recorded in the marriage register as soon as reasonably practicable.".

(4) In subsections (2), (3), (4) and (5), for "certificate" (in each place it appears) substitute "marriage schedule".

(5) In subsection (2), for "until the superintendent registrar" substitute "until the relevant superintendent registrar".

(6) After subsection (2) insert—

"(2A) For the purposes of subsection (2), the relevant superintendent registrar is the superintendent registrar who first records that a notice of marriage has been given by one of the parties to the marriage.".

20. For section 30 of the 1949 Act (forbidding of issue of certificate)(**e**), substitute—

"**30 Forbidding of issue of marriage schedule**

(1) Any person whose consent is required under section 3 in respect of a marriage intended to be solemnized on the authority of a marriage schedule may, after notice of marriage has been given, forbid the issue of the marriage schedule by attending the office of any superintendent registrar in person and informing the superintendent registrar that they forbid the issue of the marriage schedule.

(2) A person informing the superintendent registrar under subsection (1) that they forbid the issue of a marriage schedule must provide the superintendent registrar with—

(a) their name and place of residence;

(b) the capacity, in relation to either of the parties to be married, in which they forbid the issue of the marriage schedule.

(3) When a superintendent registrar is informed under subsection (1) that a person forbids the issue of a marriage schedule, the superintendent registrar must—

(a) as soon as reasonably practicable, record in the marriage register the fact that the person forbids the issue of the marriage schedule and the information provided under subsection (2);

(**a**) Section 27E was inserted by paragraph 4 of Schedule 4(1) to the Immigration Act 2014.

(**b**) Section 28 was amended by paragraph 9 of Schedule 2 to the Family Law Reform Act 1987, paragraph 11 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, paragraph 5 of Schedule 4 to the Immigration Act 2014 and S.I. 2014/560.

(**c**) Section 28A was inserted by section 162(1) of the Immigration and Asylum Act 1999 and was amended by paragraph 15 of Schedule 27 to the Civil Partnership Act 2004, paragraph 7 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and paragraph 6 of Schedule 4 to the Immigration Act 2014.

(**d**) Section 29 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999 and S.I. 1968/1242.

(**e**) Section 30 was amended by paragraph 13 of Schedule 14 to the Immigration and Asylum Act 1999 and S.I. 2009/2821.

(b) ensure that the information recorded under paragraph (a) is open to inspection free of charge at all reasonable hours.

(4) Where the issue of a marriage schedule has been forbidden under subsection (1) the notice of marriage and all proceedings in relation to it are void unless a court has consented to the marriage concerned under section 3(1)(b).".

21.—(1) Section 31ZA of the 1949 Act (notice of marriage: false information or evidence)(**a**) is amended as follows.

(2) In subsections (1) and (2), for "certificate" substitute "marriage schedule".

(3) In subsection (3), for "certificates" substitute "a marriage schedule".

22.—(1) Section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA)(**b**) is amended as follows.

(2) In subsection (1), for "certificate, the person applying for it" substitute "marriage schedule, the parties to the marriage".

(3) In subsection (2)(b), for "certificate" substitute "marriage schedule".

(4) In subsection (2A), for "certificate" (in both places it appears) substitute "marriage schedule".

(5) In subsection (3)—

(a) in paragraph (a), for "certificate" substitute "marriage schedule";

(b) in paragraph (b), for "certificate" substitute "marriage schedule";

(c) in the words after paragraph (b), for "applicant for the certificate" substitute "parties making the appeal".

(6) In subsection (3A)—

(a) in paragraph (a), for "certificate" substitute "marriage schedule";

(b) in the words after paragraph (b), for "person making the appeal is" substitute "parties making the appeal are".

(7) In subsection (4), for "certificate" substitute "marriage schedule".

23.—(1) Section 33 of the 1949 Act (period of validity of certificate)(**c**) is amended as follows.

(2) In the heading, for "certificate" substitute "marriage schedule".

(3) In subsection (1), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(4) In subsection (2)—

(a) in paragraph (a) for "certificates" substitute "marriage schedule";

(b) in paragraph (b) for "those certificates" substitute "that marriage schedule".

(5) In subsection (3), for "entered in the marriage notice book, or in an approved electronic form by virtue of section 27(4A)," substitute "recorded in the marriage register".

(6) In subsection (4), for "given" (in the second place it appears) substitute "recorded in the marriage register".

24. In section 34 of the 1949 Act (marriage normally to be solemnized in registration district in which one party resides)(**d**), for "certificate" substitute "marriage schedule".

(**a**) Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.

(**b**) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.

(**c**) Section 33 was substituted by paragraph 15 of Schedule 14 to the Immigration and Asylum Act 1999. Section 33(3) was amended by S.I. 2009/2821.

(**d**) Section 34 was substituted by paragraph 16 of Schedule 14 to the Immigration and Asylum Act 1999.

25.—(1) Section 35 of the 1949 Act (marriages in registration district in which neither party resides)(**a**) is amended as follows.

(2) In subsections (1), (2), (2A), (2B), (3), (3A) and (4), for "certificate" (in each place it appears) substitute "marriage schedule".

(3) In subsection (1), omit "in respect of each of the persons to be married".

(4) In subsection (2A), for "the office of another superintendent registrar" substitute "the superintendent registrar's office".

(5) In subsections (5) and (6)—

(a) for "certificates of a superintendent registrar" substitute "a marriage schedule";

(b) omit "given to the superintendent registrar";

(c) for "each certificate issued by the superintendent registrar" substitute "the marriage schedule".

26. In section 37(1) of the 1949 Act (one party resident in Scotland)(**b**)—

(a) for "certificates of a superintendent registrar" substitute "a marriage schedule";

(b) in paragraph (b), for "certificates for marriage shall apply accordingly" substitute "a marriage schedule apply accordingly";

(c) for paragraph (c) substitute—

"(c) if a certificate is issued under section 7(2) of the Marriage (Scotland) Act 1977 that certificate must be provided for the purposes of section 31(3)(b) of this Act to the superintendent registrar in the registration district in which the marriage is to be solemnized before the marriage schedule is issued;

(ca) the superintendent registrar must, as soon as reasonably practicable, record in the marriage register the fact that the superintendent registrar has been provided with the certificate issued under section 7(2) of the Marriage (Scotland) Act 1977;";

(d) in paragraph (d), for "entered in a marriage notice book" substitute "recorded in the marriage register".

27.—(1) Section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships)(**c**) is amended as follows.

(2) In subsection (1), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(3) In subsection (2)—

(a) omit "and shall have the like force and effect as a certificate issued by a superintendent registrar under this Part of this Act";

(b) for "certificates from superintendent registrars and to such certificates shall apply in the case of certificates issued under this section" substitute "a marriage schedule and to the issue of a marriage schedule apply in relation to a notice and declaration under subsection (1) and the issue of a certificate under this section".

(4) For subsection (3) substitute—

"(3) Subsections (4) to (6) apply where—

(**a**) Section 35 was amended by section 1 and section 2 of the Marriage Act 1949 (Amendment) Act 1954 (c. 47), section 2(1) of the Marriage Act 1994, paragraph 17 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999 and paragraph 12(1), paragraph 12(2) and paragraph 12(3) of Schedule 4 to the Immigration Act 2014.

(**b**) Section 37 was amended by paragraph 4 of Schedule 2 and Schedule 3 to the Marriage (Scotland) Act 1977, paragraph 19 of Schedule 14 to the Immigration and Asylum Act 1999 and paragraph 13 of Schedule 4 and Schedule 16 to the Immigration Act 2014.

(**c**) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

(a) the party who is an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea has been issued with a certificate under this section, and

(b) the superintendent registrar for the registration district in which the other party resides has received that certificate.

(4) That superintendent registrar may accept notice of marriage from that other party under section 27 and in accordance with this Part, as if both parties were residing in different registration districts.

(5) The superintendent registrar must then, as soon as reasonably practicable—

(a) file the certificate issued under this section and keep it with the records of the superintendent registrar's office, and

(b) record in the marriage register—

(i) the fact that the certificate has been received, and

(ii) the date on which the certificate was received.

(6) The superintendent registrar must also ensure the information recorded under subsection (5)(b) is open to inspection free of charge at all reasonable hours.".

28.—(1) Section 39A of the 1949 Act (marriage of former civil partners one of whom has changed sex)(**a**) is amended as follows.

(2) In subsection (4)—

(a) for "certificates" substitute "marriage schedule";

(b) in paragraph (a), for "(4)" substitute "(3)";

(c) for paragraph (b) substitute—

"(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".".

(3) In subsection (5)—

(a) for "certificate" substitute "marriage schedule";

(b) for "entered in the marriage notice book" substitute "recorded in the marriage register".

(4) In subsection (6), omit ", (2A)".

29. Omit section 40 of the 1949 Act (forms of certificate to be furnished by Registrar General)(**b**).

30.—(1) Section 44 of the 1949 Act (solemnization of marriage in registered building)(**c**) is amended as follows.

(2) In subsection (1), for "certificates issued by a superintendent registrar" substitute "the marriage schedule".

(3) Omit subsection (4).

(4) In subsection (5), for "due registration of marriages by an authorised person under Part IV of this Act and for the safe custody of marriage register books" substitute "solemnization of marriages or signing of marriage schedules in accordance with the provisions of this Act".

31. In section 45(1) of the 1949 Act (solemnization of marriage in register office)(**d**)—

(**a**) Section 39A was inserted by S.I. 2005/3129.

(**b**) Section 40 was amended by paragraph 22 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999.

(**c**) Section 44 was amended by section 1(1) of the Marriage Ceremony (Prescribed Words) Act 1996 (c. 34), paragraph 23 of Schedule 14 to the Immigration and Asylum Act 1999, and paragraph 11 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(**d**) Section 45(1) was amended by section 1(2)(a) of the Marriage Ceremony (Prescribed Words) Act 1996, paragraph 24 of Schedule 14 to the Immigration and Asylum Act 1999 and S.I. 2014/3168.

(a) for "certificates of a superintendent registrar" substitute "a marriage schedule";

(b) for "certificates have" substitute "marriage schedule has".

32.—(1) Section 46 of the 1949 Act (register office marriage followed by religious ceremony)(**a**) is amended as follows.

(2) In subsection (1D), in the definition of "relevant governing authority", for "section 53(c)" substitute "section 53D".

(3) In subsection (2), for "any marriage register book kept under Part IV of this Act" substitute "the marriage register".

33.—(1) Section 47 of the 1949 Act (marriages according to usages of Society of Friends)(**b**) is amended as follows.

(2) In subsection (2)(b), for "a registering" substitute "an".

(3) In subsection (3), for "the entry of the marriage in a marriage register book under Part IV of this Act, or a certified copy thereof made under the said Part IV," substitute "a certified copy of the entry of the marriage in the marriage register made under Part 4 of this Act".

34.—(1) Section 49 of the 1949 Act (void marriages)(**c**) is amended as follows.

(2) For paragraph (b) substitute—

"(b) without a marriage schedule having been duly issued by the superintendent registrar of the registration district in which the marriage was solemnized;".

(3) In paragraph (d), for "certificates which are" substitute "a marriage schedule which is".

(4) In paragraph (e), for "certificates of the superintendent registrar" substitute "(if so specified) in the marriage schedule".

35.—(1) Section 50 of the 1949 Act (person to whom certificate to be delivered)(**d**) is amended as follows.

(2) In the heading, for "certificate" substitute "marriage schedule".

(3) Before subsection (1), insert—

"(A1) This section applies where the parties to a marriage have been issued a marriage schedule under section 31(4).".

(4) In subsection (1) —

(a) for "Where a marriage is intended to be solemnized on the authority of certificates of a superintendent registrar, the certificates shall be delivered to the following person, that is to say" substitute "The parties to the marriage must deliver the marriage schedule to the following person";

(b) omit paragraphs (a), (c) and (cc);

(c) in paragraph (d), for "the registering" substitute "an";

(d) in paragraph (e), for "is required to be registered under Part IV of this Act" substitute "schedule is required to be signed in accordance with section 53C".

(5) Omit subsection (3).

Amendment of Part 4 of the 1949 Act (registration of marriages)

36.—(1) Section 63 of the 1949 Act (searches in register books)(**e**) is amended as follows.

(**a**) Section 46 was amended by paragraph 13 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and S.I. 2014/3168.
(**b**) Section 47 was amended by paragraph 25 of Schedule 14 to the Immigration and Asylum Act 1999.
(**c**) Section 49 was amended by paragraph 13 of Schedule 1 to the Marriage Act 1983, paragraph 3 of the Schedule to the Marriage Act 1994 and paragraph 27 of Schedule 14 to the Immigration and Asylum Act 1999.
(**d**) Section 50 was amended by paragraph 14 to Schedule 1 of the Marriage Act 1983, paragraph 4 of the Schedule to Marriage Act 1994, paragraph 28 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999.
(**e**) Section 63(1) was amended by paragraph 15 of Schedule 15 to the Immigration Act 2016.

(2) In subsection (1)—

(a) omit "registering";

(b) for "shall at all reasonable hours" substitute "may";

(c) omit ", and shall give a copy certified under his hand of any entry in such a book".

(3) In subsection (2), for "having the custody of" substitute "responsible for keeping".

37. For section 64 of the 1949 Act (searches of indexes kept by superintendent registrars)(**a**), substitute—

"**64 Searches of indexes kept by superintendent registrars**

(1) Every superintendent registrar must—

(a) cause indexes of all entries in the marriage register made under section 53D(10)(a) in respect of their registration district to be made and kept in their office, and

(b) keep in their office indexes of the marriage register books kept in their office.

(2) A person is entitled—

(a) to search the indexes of the entries in the marriage register and the indexes of the marriage register books kept at the office of a superintendent registrar at all reasonable hours, and

(b) to obtain a certified copy under the hand of the superintendent registrar of an entry made in the marriage register under section 53D(10)(a) or of an entry made in a marriage register book.".

38. In section 65 of the 1949 Act (searches of indexes kept by Registrar General)(**b**), for subsections (1) and (2) substitute—

"(1) The Registrar General must—

(a) cause indexes of all entries in the marriage register made under section 53D(10)(a) to be made and kept in the General Register Office, and

(b) keep in the General Register Office indexes of certified copies of marriage register books kept in the General Register Office.

(2) A person is entitled—

(a) to search the indexes of entries in the marriage register and indexes of certified copies of marriage register books at any time when the General Register Office is open for that purpose, and

(b) to obtain from the Registrar General a certified copy of an entry made in the marriage register under section 53D(10)(a) or a certified copy of an entry made in a certified copy of a marriage register book.".

39.—(1) Section 65A of the 1949 Act (searches and records of information: additional provision)(**c**) is amended as follows.

(2) In subsection (1)(a), after "whether" insert "the entries in the marriage register to which the Registrar General has access under section 53A(3) or".

(3) In subsection (1)(b), for "an entry in the Registrar General's certified copies" substitute "such an entry".

(4) In subsection (8), after "entry" insert "in the marriage register under section 53D(10)(a) or".

(5) In subsection (9), omit "sent to the Registrar General under this Part of this Act and".

(**a**) Section 64 was amended by paragraph 14(a) of Schedule 1 to the Registration Service Act 1953 and paragraph 16 of Schedule 15 to the Immigration Act 2016.

(**b**) Section 65 was amended by paragraph 15(a) of Schedule 1 and Schedule 2 to the Registration Service Act 1953 and paragraph 17 of Schedule 15 to the Immigration Act 2016.

(**c**) Section 65A was inserted by section 99(1) of the Deregulation Act 2015 (c. 20) and was amended by paragraph 18 of Schedule 15 to the Immigration Act 2016.

40.—(1) Section 67 of the 1949 Act (interpretation of Part 4)(**a**) is amended as follows.

(2) For the definition of "incumbent" substitute—

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

(3) Omit the definition of "registering officer of the Society of Friends".

(4) Insert the following definition at the appropriate place—

""specified person" has the meaning assigned to it by section 53C(8);".

(5) Omit the definition of "superintendent registrar".

Amendment of Part 5 of the 1949 Act (marriages in naval, military, and air force chapels)

41.—(1) Section 69 of the 1949 Act (licensing of chapels for marriages according to rites of Church of England)(**b**) is amended as follows.

(2) In subsection (4), for "registering marriages solemnized" substitute "solemnizing marriages".

(3) In subsection (5), for "registration" substitute "solemnization".

Amendment of Part 6 of the 1949 Act (general)

42.—(1) Section 71A(1) of the 1949 Act (fees)(**c**) is amended as follows.

(2) Omit paragraph (f).

(3) In paragraph (g)(ii)—

(a) after "relation to" insert "the marriage register or";

(b) omit the "or" at the end.

(4) After paragraph (g)(iii), insert—

", or

(iv) entries in the marriage register".

(5) In paragraph (h), after "entry in" insert "the marriage register or".

(6) After paragraph (i) insert—

"(ia) a correction to the marriage register or a marriage register book;".

43.—(1) Section 74 of the 1949 Act (regulations and approval of electronic forms etc)(**d**) is amended as follows.

(2) In subsection (1), after paragraph (b), insert—

";

(c) making provision in relation to—

(i) corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;

(ii) the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;

(iii) corrections to entries entered under this Act in the marriage register or a marriage register book;

(**a**) Section 67 was amended by section 1 of the Marriage (Secretaries of Synagogues) Act 1959 (c. 13) and paragraph 19 of Schedule 1 to the Marriage Act 1983.

(**b**) Section 69 was amended by paragraph 17 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(**c**) Section 71A was inserted by paragraph 1 of Schedule 15 to the Immigration Act 2016.

(**d**) Section 74 was amended by Schedule 2 to the Registration Services Act 1953, paragraph 15 of Schedule 4 to the Immigration Act 2014, paragraph 19 of Schedule 15 to the Immigration Act 2016, S.I. 2008/678 and S.I. 2009/2821.

(iv) the keeping of marriage register books in which the particulars of a marriage have been entered under this Act;

(v) the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England in the church or chapel".

(3) After subsection (1) insert—

"(1A) For the purposes of subsection (1)(c) "provision in relation to" the keeping of a book, document or other record includes, in particular, provision about—

(a) who is to be responsible for keeping the book, document or other record and how it is to be stored;

(b) the circumstances in which the book, document or other record must or may be annotated;

(c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.".

44.—(1) Section 75 of the 1949 Act (offences relating to solemnization of marriages)(**a**) is amended as follows.

(2) In subsection (1)(b), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(3) In subsection (2)—

(a) in paragraph (a)(ii), for "certificates" substitute "(if so specified) in the marriage schedule";

(b) in paragraph (d), for the words from "certificates" to "notice of marriage" substitute "a marriage schedule when none of the conditions in section 31(3) is met";

(c) in paragraph (e), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(4) Omit subsection (2A).

(5) In subsection (3)—

(a) for paragraph (a), substitute—

"(a) issues a marriage schedule when none of the conditions in section 31(3) is met;";

(b) in paragraph (b), for "any certificate for marriage" substitute "a marriage schedule";

(c) in paragraph (c)—

(i) for "any certificate" substitute "a marriage schedule";

(ii) for "such a certificate" substitute "a marriage schedule".

45.—(1) Section 76 of the 1949 Act (offences relating to registration of marriages)(**b**) is amended as follows.

(2) Omit subsection (2).

(3) In subsection (4)—

(a) omit "or subsection (2)";

(b) in paragraph (a), omit "in the case of a fine imposed under subsection (1) of this section,";

(c) omit paragraph (b), and the "and" preceding it.

(4) In subsection (5), for "either of the said subsections" substitute "subsection (1)".

(**a**) Section 75 was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 7 of the Schedule to the Marriage Act 1994, paragraph 30 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, part 11 of Schedule 10 of the Protection of Freedoms Act 2012 (c. 9), paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, S.I. 1997/986 and S.I. 2009/2821.

(**b**) Section 76 was amended by the sections 37, 38 and 46 of the Criminal Justice Act 1982.

46. After section 76 of the 1949 Act insert—

"**76A Offence of failing to attend premises in compliance with a section 53D(8) or section 53E(10) notice**

(1) A person who, without reasonable cause, fails to attend premises in compliance with a notice issued under section 53D(8) or section 53E(10) commits an offence.

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

47.—(1) In section 78 of the 1949 Act (interpretation)(**a**), subsection (1) is amended as follows.

(2) After the definition of "England and Wales legislation" insert—

""marriage document" has the meaning assigned to it by section 21A(3);".

(3) For the definition of "marriage notice book" substitute—

""marriage notice book" means a book furnished to a superintendent registrar by the Registrar General before 4th May 2021 for the purposes of entering, before that date, the particulars given in every notice of marriage;".

(4) After the definition of "marriage notice book" insert—

""marriage schedule" has the meaning assigned to it by section 31(2);

"marriage register" has the meaning assigned to it by section 53A(1);

"marriage register book" means a marriage register book used for the purposes of registering marriages that were solemnized before 4th May 2021 in England or Wales;

"officer of the Society of Friends" means a person whom the recording clerk of the Society of Friends in London certifies in writing under their hand to the Registrar General to be an officer in England and Wales of that Society;".

Amendment of Schedule 3A to the 1949 Act (modifications if proposed marriage referred under section 28H)

48.—(1) Schedule 3A to the 1949 Act (modifications if proposed marriage referred under section 28H)(**b**) is amended as follows.

(2) In the italic heading before paragraph 2 for "certificate" substitute "marriage schedule".

(3) In paragraph 2 (events for issue of certificate)—

(a) in sub-paragraphs (1) and (8), for "certificate" substitute "marriage schedule";

(b) in sub-paragraphs (2)(a), (3)(b), (4)(a) and (c), (5)(b), (6) and (7)(a) and (c), after "the superintendent registrar" insert "or (as the case may be) superintendent registrars".

(4) In paragraph 3 (extension of waiting period to 70 days where marriage to be investigated)—

(a) omit sub-paragraph (2);

(b) in sub-paragraph (4), omit "and (5C)";

(c) omit sub-paragraph (6);

(d) in sub-paragraph (7)(a)—

(i) for "entered in the marriage book" substitute "recorded in the marriage register";

(ii) omit "or is entered in an approved electronic form by virtue of section 27(4A) of that Act,".

(5) In paragraph 4 (effect of reducing statutory period), in sub-paragraphs (1)(b), (2) and (4), for "certificate" (in each place it appears) substitute "marriage schedule".

(**a**) Section 78 was amended by paragraph 20(2)(b) of Schedule 7 to the Marriage (Same Sex Coupes) Act 2013. There are further amendments to section 78 which are not relevant to these Regulations.

(**b**) Schedule 3A was inserted by paragraph 9 of Schedule 4 to the Immigration Act 2014.

Amendment of Schedule 4 to the 1949 Act (provisions of Act which are excluded or modified in their application to naval, military and air force chapels)

49.—(1) Schedule 4 to the 1949 Act (provisions of Act which are excluded or modified in their application to naval, military and air force chapels)(**a**) is amended as follows.

(2) In Part 1 (exclusion of provisions relating to marriages according to the rites of the Church of England), omit "Sections fifty-three to fifty-seven, fifty-nine and sixty, so far as those sections relate to the registration of marriages by clergymen and to the duties of incumbents in relation to marriage register books.".

(3) In Part 2 (modification of provisions relating to marriages according to the rites of the Church of England), in the entry relating to section 50, omit "for the purpose of registering marriages".

(4) In Part 4 (modification of provisions relating to marriages otherwise than according to the rites of the Church of England), in the final entry, for ", forty-four and fifty-four" substitute "and 44".

PART 2

Other primary legislation

Amendment of the Perjury Act 1911

50.—(1) Section 3 of the Perjury Act 1911 (false statements, etc, with reference to marriage)(**b**) is amended as follows.

(2) In subsection (1)(a), after "licence for marriage," insert "or a marriage document or a marriage schedule,".

(3) In subsection (1)(c), after "licence for marriage" insert "or marriage schedule".

Amendment of the Census Act 1920

51. In section 5(2) of the Census Act 1920 (preparation of statistics in respect of periods between one census and another: Registrar General's consent)(**c**), for paragraph (b) substitute—

"(b) any information entered in—

(i) the marriage register maintained under Part 4 of the Marriage Act 1949, or

(ii) any marriage register book kept under Part 4 of the Marriage Act 1949;".

Amendment of the City of London (Guild Churches) Act 1952

52. In section 22 of the City of London (Guild Churches) Act 1952 (marriages)(**d**), in subsection (4), omit "and the Registrar-General shall issue to the vicar new marriage register books and those books shall be the marriage register books of the guild church".

(**a**) Schedule 4 was amended by section 1(2) of the Marriage Acts Amendment Act 1958 (c. 29), paragraph 32 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999 and paragraph 21 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(**b**) 1911 c. 6. Section 3 was amended by section 28(1) of the Criminal Justice Act 1925 (c. 86), section 1(2) of the Criminal Justice Act 1948 (c. 58), section 32(2) of the Magistrates' Courts Act 1980 (c. 43), section 4 of the Marriage (Prohibited Degrees of Relationship) Act 1986 and S.I. 2014/3168.

(**c**) 1920 c. 41. Section 5(2) was inserted by paragraph 5 of Schedule 1 to the Statistics and Registration Service Act 2007 (c. 18).

(**d**) 1952 c. xxxviii. Section 22(4) was amended by Part 6 of Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14).

Amendment of the Marriage (Scotland) Act 1956

53.—(1) Section 1 of the Marriage (Scotland) Act 1956 (notice of marriage to be solemnized in Scotland)(**a**) is amended as follows.

(2) In subsection (3), for the words from "and the provisions" to the end substitute—

"but sections 3, 29 to 31A and 33 of that Act are to apply as if—

(a) references in those sections to a marriage schedule, except the reference in subsection (1) of section 29 of that Act and the first reference in each of subsections (2) and (4) of that section, were references to an approved certificate,

(b) the first reference to a marriage schedule in section 29(2) of that Act were a reference to an approved certificate in respect of a person named in the caveat,

(c) the reference to the relevant superintendent registrar in section 29(2) of that Act were a reference to the superintendent registrar to whom notice is given under this section,

(d) subsection (2A) of section 29 of that Act were omitted,

(e) in section 30(1) of that Act, for the words from "is required" to "marriage", where it first occurs, there were substituted "would be required under section 3 in respect of a marriage if that marriage were",

(f) the reference in section 31(2) of that Act to the superintendent registrar for the registration district in which a marriage is to be solemnized were a reference to the superintendent registrar to whom notice is given under this section,

(g) in section 31 of that Act, subsections (3)(b) and (c), (3A), (4) and (5) were omitted,

(h) the reference in section 31(3)(a) of that Act to each notice of marriage were a reference to the notice given under this section,

(i) the reference in section 33(2)(a) of that Act to notices of marriage were a reference to the notice given under this section, and

(j) in section 33 of that Act, subsections (3)(a) and (4) were omitted.".

(3) After subsection (3) insert—

"(3A) In subsection (3)(a) and (b) "approved certificate" means a certificate for marriage, for the purposes of section 3(4) of the Marriage (Scotland) Act 1977, in the prescribed form.

(3B) In subsection (3A) "prescribed" means prescribed by regulations made under section 74 of the Marriage Act 1949; and the reference, in subsection (1)(b) of that section, to that Act is to be treated as including a reference to this Act.".

Amendment of the Sharing of Church Buildings Act 1969

54. In Schedule 1 to the Sharing of Church Buildings Act 1969 (modification of provisions of the Marriage Act 1949 relating to the registration of buildings, in their application to shared church buildings)(**b**), omit paragraph 7.

Amendment of the Family Law Reform Act 1969

55. In section 2 of the Family Law Reform Act 1969 (provisions relating to marriage)(**c**), in subsection (3), after "certificate for marriage" (in both places it appears) insert "or marriage schedule".

(**a**) 1956 c. 70. Section 1 was amended by Part I of Schedule 4 to the Children Act 1975 (c. 72) and paragraph 5 of Schedule 2 and Schedule 3 to the Marriage (Scotland) Act 1977.
(**b**) 1969 c. 38.
(**c**) 1969 c. 46. Section 2(3) was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

Amendment of the Marriage (Registrar General's Licence) Act 1970

56.—(1) The Marriage (Registrar General's Licence) Act 1970(**a**) is amended as follows.

(2) In section 1(1) (marriages which may be solemnized by Registrar General's licence)(**b**), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(3) In section 2 (notice of marriage)(**c**), in subsection (2)—

(a) after "section 27(4)" insert "and (4A)";

(b) for "notice book" substitute "register etc".

(4) In section 5 (caveat against issue of Registrar General's licence)(**d**)—

(a) for "certificate" substitute "marriage schedule";

(b) for "the superintendent registrar" (in the first place it appears) substitute "any superintendent registrar";

(c) omit the words from ", and with a further" to the end.

(5) In section 6 (marriage of persons under eighteen)(**e**), for "certificates of a superintendent registrar" substitute "a marriage schedule".

(6) In section 8(1) (period of validity of licence), for "marriage notice book" substitute "marriage register".

(7) In section 12 (proof of certain matters not necessary to validity of marriages), for "certificate of a superintendent registrar" substitute "marriage schedule".

(8) In section 13 (void marriages), for paragraph (a) substitute—

"(a) as if for paragraph (b) there were substituted—

"(b) without a Registrar General's licence;";".

(9) In section 14 (documentary authority for marriage)—

(a) in paragraph (a), omit "registering";

(b) in paragraph (b), for "by whom the marriage is required to be registered under Part IV of the principal Act" substitute "responsible for ensuring the document issued under this section is signed in accordance with section 53C of the principal Act (signing of a marriage schedule)".

(10) After section 14 (documentary authority for marriage) insert—

"14A Signing of document

Section 53C of the principal Act (signing of a marriage schedule) applies to marriages solemnized on the authority of a Registrar General's licence as it applies to marriages solemnized on the authority of a marriage schedule, reading references to the marriage schedule in subsections (2) to (7) of that section as references to the document issued by the superintendent registrar under section 14.".

(11) In section 15 (registration of marriages), for the words from "the provisions of the principal Act" to the end substitute "sections 53D and 53E of the principal Act, as if it were solemnised on the authority of a marriage schedule, reading the first reference to the marriage schedule in subsection (3) of section 53D as a reference to the Registrar General's licence and reading all subsequent references to the marriage schedule in sections 53D and 53E as references to the document issued by the superintendent registrar under section 14".

(**a**) 1970 c. 34.
(**b**) Section 1(1) was amended by paragraph 9 of Schedule 1 to the Marriage Act 1994 and paragraph 39 of Schedule 14 to the Immigration and Asylum Act 1999.
(**c**) Section 2 was amended by paragraph 24 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.
(**d**) Section 5 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.
(**e**) Section 6 was amended by paragraph 41 of Schedule 14 to the Immigration and Asylum Act 1999.

(12) In section 16(1)(c) (offence of solemnising marriage after expiry of validity of Registrar General's licence), for "marriage notice book" substitute "marriage register".

Amendment of the Parochial Registers and Records Measure 1978

57.—(1) The Parochial Registers and Records Measure 1978(**a**) is amended as follows.

(2) In section 19 (disposal of register books and records on dissolution of parish, etc)(**b**), in subsection (2), omit "Subject to the provisions of section 62 of the Marriage Act 1949 (disposal of register books of marriage on church ceasing to be used for solemnisation of marriages),".

(3) Omit section 22 (special provisions as to marriage registers).

Amendment of the Marriage Act 1983

58. In section 1(1) of the Marriage Act 1983 (marriages of house-bound and detained persons in England and Wales)(**c**), for "certificates of a superintendent registrar" substitute "a marriage schedule".

Amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004

59. In section 19 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (procedure for marriage: England and Wales)(**d**), in subsection (1), for "certificates issued by a superintendent registrar" substitute "a marriage schedule".

Amendment of the Statistics and Registration Service Act 2007

60. In section 42(2) of the Statistics and Registration Service Act 2007 (information relating to births and deaths etc)(**e**), for paragraph (d), substitute—

"(d) any information—

(i) entered in the marriage register under section 53D(10)(a) of the Marriage Act 1949, or

(ii) entered in any marriage register book kept under the Marriage Act 1949;".

Amendment of the Marriage (Same Sex Couples) Act 2013

61. In section 14 of the Marriage (Same Sex Couples) Act 2013 (marriage according to the usages of belief organisations)(**f**), in subsections (1)(a) and (4), for "certificates of a superintendent registrar" substitute "a marriage schedule".

Amendment of the Immigration Act 2014

62.—(1) The Immigration Act 2014(**g**) is amended as follows.

(2) In section 48(7) (notice of decision whether to investigate)(**h**)—

(a) at the end of paragraph (a), omit "and";

(**a**) 1978 No. 2. Section 19(2) was amended by section 62(6) of the Dioceses, Pastoral and Mission Measure (No. 1). Section 20(3) was amended by paragraph 4(b) of Schedule 2 to the Ecclesiastical Fees (Amendment) Measure 2011 (No. 2). Section 20(3A) was inserted by paragraph 9 of Schedule 1 to the Church of England (Miscellaneous Provisions) Measure 1992 (No. 1).

(**b**) Section 19 was amended by Schedule 9 to the Pastoral Measure 1983 (No. 1) and section 62(6) of the Dioceses, Pastoral and Mission Measure 2007 (No. 1).

(**c**) 1983 c. 32. Section 1 was amended by paragraph 77 of Schedule 14 to the Immigration and Asylum Act 1999.

(**d**) 2004 c. 19. Section 19 was amended by section 58(2) and (3) of the Immigration Act 2014, S.I. 2011/1158 and is prospectively amended by S.I. 2020/1309 but these amendments are not yet in force.

(**e**) 2007 c. 18. Section 42(2) was amended by S.I. 2014/560 and S.I. 2014/3168.

(**f**) 2013 c. 30.

(**g**) 2014 c. 22.

(**h**) Section 48 was amended by S.I. 2015/395, S.I. 2015/396.

(b) after paragraph (b) insert—

", and

(c) if different, the superintendent registrar responsible for issuing the marriage schedule under section 31 of the Marriage Act 1949 in relation to the proposed marriage.".

(3) In section 62 (interpretation of Part 4)(**a**), in the definition of "relevant statutory period", in paragraph (a)(i)—

(a) for "entered in the marriage book" substitute "recorded in the marriage register";

(b) omit "or is entered in an approved electronic form by virtue of section 27(4A) of that Act,".

PART 3

Secondary legislation

Amendment of the Order in Council under the Naval Marriages Act 1908 adapting provisions of Enactments and Rules as to Publication of Banns and Issue of Certificates 1908

63.—(1) The Order in Council under the Naval Marriages Act 1908 adapting provisions of Enactments and Rules as to Publication of Banns and Issue of Certificates 1908(**b**) is amended as follows.

(2) In article 5 (notices of marriage)—

(a) after "Marriage Notice Book" (the first place it appears) insert "or marriage register";

(b) after "Marriage Notice Books" insert ", or to the entry in the marriage register of particulars of any notice of marriage or the inspection of such entry,".

(3) In article 9 (details of persons giving notice on board Her Majesty's Ships), before "Certificate" insert "marriage schedule,".

Amendment of the Marriage (Authorised Persons) Regulations 1952

64.—(1) The Marriage (Authorised Persons) Regulations 1952(**c**) are amended as follows.

(2) In regulation 2 (interpretation), omit the definitions of "registration district" and "superintendent registrar".

(3) Omit regulations 6 to 8, 9(2) and 10 to 26 (custody of register books and forms, production and disposal of certificates and registration of marriages).

Amendment of the Marriages and Civil Partnerships (Approved Premises) Regulations 2005

65.—(1) The Marriages and Civil Partnerships (Approved Premises) Regulations 2005(**d**) are amended as follows.

(2) In regulation 15 (change of name of approved premises), for "certificate for marriage" (in both places it appears) substitute "marriage schedule".

(3) In Schedule 2, in paragraph 14 (conditions to be attached to grants of approval), for "certificate for marriage" (in both places it appears) substitute "marriage schedule".

(**a**) The definition of "relevant statutory period" in section 62(1) was amended by S.I. 2015/395.

(**b**) 1908 No. 1316. This Order in Council now has effect as if made under sections 14 and 39 of the Marriage Act 1949, by virtue of s 79(2) thereof.

(**c**) S.I. 1952/1869, relevant amending instruments are S.I. 1965/528, 1971/1216, 1974/573, 1986/1444, 2000/3164, 2005/3177, 2014/107, 2014/3061, 2015/177.

(**d**) S.I. 2005/3168, to which there are amendments not relevant to these Regulations.

Amendment of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014

66.—(1) The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(**a**) are amended as follows.

(2) In regulation 23(6) (searches of indexes of conversion records kept by the Registrar General and issue of copies)—

(a) for "of certified copies of entries in marriage register books" substitute "of entries in the marriage register and certified copies of entries in marriage register books";

(b) for "and certified copies of entries in marriage register books" substitute "and entries in the marriage register and certified copies of entries in marriage register books".

(3) In regulation 24(6) (searches of indexes of conversion records kept by the superintendent registrar and issue of copies)—

(a) for "of certified copies of entries in marriage register books" substitute "of entries in the marriage register and certified copies of entries in marriage register books";

(b) for "and certified copies of entries in marriage register books" substitute "and entries in the marriage register and certified copies of entries in marriage register books".

Amendment of the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014

67.—(1) The Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014(**b**) is amended as follows.

(2) In article 5(1) (consent to marriage), for "certificate issued by a superintendent registrar" substitute "marriage schedule".

(3) In article 15 (issuing a certificate of no impediment by the superintendent registrar), in paragraph (3), for "an entry in the marriage notice book under section 27(6)" substitute "recording a notice of marriage under section 27(4)(b)".

Amendment of the Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015

68.—(1) The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015(**c**) are amended as follows.

(2) In regulation 6(3) (particulars to be entered in the Gender Recognition Marriage Register), for "marriage register entry (or, in the case of a marriage resulting from the conversion of a civil partnership, their civil partnership register entry) as if they had signed the entry in the Gender Recognition Marriage Register" substitute—

"—

(a) marriage register entry, in the case of a marriage solemnized before 4th May 2021,

(b) marriage schedule, in the case of a marriage solemnized on or after 4th May 2021, or

(c) civil partnership document, in the case of a marriage resulting from the conversion of a civil partnership,

in the manner in which the names were recorded in the parties' marriage register entry, marriage schedule or civil partnership document (as the case may be)".

(**a**) S.I. 2014/3181, amended by S.I. 2016/911. There are other amending instruments but none is relevant.
(**b**) S.I. 2014/3265, amended by S.I. 2019/1514.
(**c**) S.I. 2015/50, to which there are amendments not relevant to these Regulations.

(3) In regulation 7(1) (qualifying marriages resulting from conversion of civil partnership), for "in the form prescribed on the applicable date under section 55(1) of" substitute "by entering the particulars required for registration of a marriage on the applicable date under".

(4) Regulation 8 (qualifying marriages of same sex couples) is amended as follows—

(a) in regulation 8(3)(a), omit "section 55(1) of";

(b) in regulation 8(4), for "in the form prescribed on the applicable date under section 55(1) of the Marriage Act 1949" substitute "by entering the particulars required for registration of a marriage on the applicable date under the Marriage Act 1949".

(5) In regulation 9(2) (qualifying marriages solemnized according to religious rites), for "in the form prescribed on the applicable date under section 55(1) of" substitute "by entering the particulars required for registration of a marriage on the applicable date under".

(6) In regulation 10(3) (qualifying marriages solemnized outside the United Kingdom), for "in the form prescribed on the applicable date under section 55(1) of" substitute "by entering the particulars required for registration of a marriage on the applicable date under".

Amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015

69.—(1) The Referral of Proposed Marriages and Civil Partnerships Regulations 2015(**a**) are amended as follows.

(2) In regulation 12(a) (timing of referral), for "marriage notice book" substitute "marriage register".

(3) In regulation 14 (information to be sent with referral by a superintendent registrar or registration authority), in paragraph (2)(b), for "marriage notice book" substitute "marriage register".

(4) In regulation 17 (effects of the referral), in paragraph (d)(i), for "certificate" substitute "marriage schedule".

Amendment of the Registration of Marriages Regulations 2015

70.—(1) The Registration of Marriages Regulations 2015(**b**) are amended as follows.

(2) In regulation 3(1) (required language for completion of certain forms)—

(a) for ", 9(w) to 12(w) and 15(w)" substitute "and 9(w) to 12(w)";

(b) omit sub-paragraph (b).

(3) Omit Part 3 (registration of marriage) and Part 4 (correction of errors).

(4) Omit regulation 22 (quarterly certified copies).

(5) In regulation 23(2) (authority to commence proceedings for certain offences), omit "or (2)".

(6) In Schedule 1 (prescribed forms)—

(a) in the table, omit the rows beginning "15", "15(w)", "16" and "17";

(b) omit the prescribed forms 15, 15(w), 16 and 17.

(7) In Schedule 2 (forms of words in English and Welsh), in the table, omit the row beginning "step-father".

Amendment of the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016

71. In Schedule 1 to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (fees payable)(**c**), in the table, omit row 12.

(**a**) S.I. 2015/123, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2015/207.
(**c**) S.I. 2016/911, amended by S.I. 2017/947. There are other amending instruments but none is relevant.

Amendment of the Births, Deaths, Marriages and Civil Partnerships Records Regulations 2016

72.—(1) Regulation 4(1) of the Births, Deaths, Marriages and Civil Partnerships Records Regulations 2016(**a**) (provision of the information contained in a marriage record in electronic format) is amended as follows.

(2) In the words before paragraph (a), for "the marriage register" substitute "any marriage register book, entries in the marriage register made under section 53D(10)(a) of the Marriage Act 1949".

(3) In sub-paragraph (b), for "the marriage register" substitute "any marriage register book".

SCHEDULE 2

Regulation 11

Transitional provision

Interpretation

1. In this Schedule—

"the 1956 Act" means the Marriage (Scotland) Act 1956(**b**);

"approved certificate" has the meaning given in section 1(3A) of the 1956 Act as inserted by these Regulations.

Consent given to marriage of persons under eighteen

2.—(1) Any consent, refusal of consent or dispensation, in relation to a marriage intended to be solemnized on the authority of certificates, which is—

(a) under section 3(1) of the 1949 Act (marriages of persons under eighteen)(**c**), and

(b) in force immediately before 4th May 2021,

is to be treated, on and after that date, as consent, refusal of consent or (as the case may be) dispensation under section 3(1), as amended by these Regulations, in relation to a marriage intended to be solemnized on the authority of a marriage schedule.

(2) Any consent, refusal of consent or dispensation, in relation to a marriage intended to be solemnized on the authority of a certificate issued under the 1949 Act as applied by section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland)(**d**), which is—

(a) under section 3(1) of the 1949 Act, and

(b) in force immediately before 4th May 2021,

is to be treated, on and after that date, as consent, refusal of consent or (as the case may be) dispensation under section 3(1), as amended by these Regulations, in relation to a marriage intended to be solemnized on the authority of an approved certificate.

(3) Sub-paragraphs (1) and (2) apply only in respect of marriages that have not been solemnized before 4th May 2021.

(**a**) S.I. 2016/980, amended by S.I. 2018/1268 and S.I. 2020/1093. There are other amending instruments but none is relevant.

(**b**) 1956 c. 70.

(**c**) Section 3 was amended by paragraph 9 of Schedule 2 to the Family Law Reform Act 1987 (c. 42), paragraph 5 of Schedule 12 and Schedule 15 to the Children Act 1989 (c. 41), paragraph 4 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999 (c. 33), paragraph 2, paragraph 3, paragraph 4 and paragraph 5 of Schedule 3 to the Adoption and Children Act 2002 (c. 38), paragraph 13 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and paragraph 3 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30), paragraph 42 of Schedule 2 to the Children and Families Act 2014 (c. 6), and S.I. 2000/2698.

(**d**) Section 1 was amended by Part I of Schedule 4 to the Children Act 1975 (c. 72) and paragraph 5 of Schedule 2 and Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15).

(4) Sub-paragraph (2) applies only in respect of marriages for which a certificate has not been issued before 4th May 2021.

Issue of marriage document before 4th May 2021 for marriage on or after that date

3. Section 21A of the 1949 Act (issue of marriage document after publication of banns or the grant of a special or common licence)(**a**) only applies in relation to marriages to be solemnized on or after 4th May 2021.

Effect of notice of marriage given before 4th May 2021

4.—(1) Sub-paragraphs (3), (4), (6), (7) and (9) to (11) apply in a case where—

(a) a notice of marriage is—

(i) given under section 27 of the 1949 Act (notice of marriage)(**b**) before 4th May 2021, and

(ii) in force immediately before that date, and

(b) the marriage concerned is not solemnized before 4th May 2021.

(2) Sub-paragraphs (3), (5), (6), (8) and (11) of this paragraph apply in a case where—

(a) a notice of marriage is—

(i) given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland) before 4th May 2021, and

(ii) in force immediately before that date, and

(b) the marriage concerned is not solemnized before 4th May 2021.

(3) The amendments made by these Regulations do not affect the continuation in force of the notice of marriage.

(4) The notice of marriage given under section 27 of the 1949 Act is to be treated on and after 4th May 2021 for the purposes of the 1949 Act as amended by these Regulations, as a notice of a marriage intended to be solemnized on the authority of a marriage schedule.

(5) The notice of marriage given under section 1 of the 1956 Act is to be treated on and after 4th May 2021 for the purposes of the 1956 Act as amended by these Regulations, as a notice of marriage intended to be solemnized on the authority of an approved certificate.

(6) In determining whether the waiting period in relation to the notice of marriage has expired—

(a) for the purposes of the 1949 Act, as amended by these Regulations, in relation to a notice given under section 27 of that Act, or

(b) for the purposes of the 1949 Act, as amended by these Regulations and as applied by the 1956 Act, as so amended, in relation to a notice given under section 1 of the 1956 Act

the reference in section 31(4A) of the 1949 Act (marriage under marriage schedule: meaning of waiting period)(**c**), as amended by these Regulations, to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book or in an approved electronic form.

(7) In determining the applicable period in relation to the marriage for the purposes of section 33 of the 1949 Act (period of validity of marriage schedule)(**d**) as amended by these Regulations—

(**a**) As inserted by these Regulations.

(**b**) Section 27 was amended by paragraph 5 of Schedule 1 to the Marriage Act 1983 (c. 32), paragraph 2 of the Schedule to the Marriage Act 1994 (c. 34), section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and paragraph 2 of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 9 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(**c**) Section 31(4A) was inserted by section 160(5) of the Immigration and Asylum Act 1999 and amended by paragraph 10(2)(b) of Schedule 4 to the Immigration Act 2014. There are other amendments which are not relevant.

(**d**) Section 33 was substituted by paragraph 15 of Schedule 14 to the Immigration and Asylum Act 1999 and amended by S.I. 2009/2821.

(a) the reference in subsection (3) of section 33 of that Act to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book or in an approved electronic form,

(b) the reference in subsection (4) of section 33 of that Act to the notices of marriage not being recorded in the marriage register on the same date is to be read as a reference to the notices of marriage not being entered in the marriage notice book, in an approved electronic form or (as the case may be) recorded in the marriage register on the same date, and

(c) the reference in subsection (5) of section 39A of that Act (marriage of former civil partners one of whom has changed sex: period of validity of certificate)(**a**) to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book.

(8) In determining the applicable period in relation to the marriage for the purposes of section 33 of the 1949 Act, as amended by these Regulations and applied by section 1 of the 1956 Act as so amended, the reference in subsection (3) of section 33 of the 1949 Act to the day on which the notice of marriage was recorded in the marriage register is to be read as a reference to the day on which the notice of marriage was entered in the marriage notice book or in an approved electronic form.

(9) In determining the meaning of "relevant statutory period" for the purposes of—

(a) section 48 of the Immigration Act 2014 (decision whether to investigate marriage referred under section 28H of the 1949 Act)(**b**) as amended by these Regulations, and

(b) paragraph 2 of Schedule 3A to the 1949 Act (modifications if proposed marriage referred under section 28H)(**c**) as amended by these Regulations,

the reference in paragraph (a)(i) of the definition of "relevant statutory period" in section 62(1) of the Immigration Act 2014 (interpretation)(**d**), as amended by these Regulations, to the day after notice of the proposed marriage is recorded in the marriage register is to be read as a reference to the day after notice of the proposed marriage is entered in the marriage notice book or in an approved electronic form.

(10) In determining the meaning of "relevant 70 day period" for the purposes of paragraph 3 of Schedule 3A to the 1949 Act as amended by these Regulations, the reference in paragraph 3(7)(a) of that Schedule to the day after notice of the proposed marriage is recorded in the marriage register is to be read as a reference to the day after notice of the proposed marriage is entered in the marriage notice book or in an approved electronic form.

(11) In this paragraph, references to a notice of marriage being entered in the marriage notice book or in an approved electronic form are references to a notice being so entered by virtue of section 27 of the 1949 Act (notice of marriage).

Effect of caveat entered before 4th May 2021

5.—(1) A caveat entered under section 29 of the 1949 Act (caveat against issue of certificate)(**e**) against the issue of a certificate by a superintendent registrar and in force immediately before 4th May 2021 is to be treated, on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as a caveat entered against the issue of a marriage schedule.

(2) Any—

(**a**) Section 39A was inserted by S.I. 2005/3129.
(**b**) 2014 c. 22. Section 48 was amended by S.I. 2015/395 and S.I. 2015/396.
(**c**) Schedule 3A was inserted by paragraph 9 of Schedule 4 to the Immigration Act 2014.
(**d**) The definition of "relevant statutory period" in section 62(1) was amended by S.I. 2015/395.
(**e**) Section 29 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999 and S.I. 1968/1242.

(a) refusal, made under section 29(2) of the 1949 Act before 4th May 2021, to issue a certificate, or

(b) confirmation of the Registrar General, made under section 29(3) of the 1949 Act before 4th May 2021, in relation to a certificate,

is to be treated on and after that date as a refusal or (as the case may be) confirmation in relation to a marriage schedule or, where notice of the marriage concerned was given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), an approved certificate.

(3) Any appeal under section 29(3) of the 1949 Act against a refusal by a superintendent registrar to issue a certificate which is ongoing immediately before 4th May 2021 is to be treated on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as an appeal against a refusal to issue a marriage schedule or, where notice of the marriage concerned was given under section 1 of the 1956 Act, an approved certificate.

(4) Any direction of the Registrar General, made under section 29(3) of the 1949 Act before 4th May 2021, that a certificate be issued is to be treated on and after that date as a direction, to the superintendent registrar for the registration district in which the marriage is to be solemnized, to issue—

(a) a marriage schedule, once satisfied that any of the conditions in section 31(3) of the 1949 Act (conditions for issuing marriage schedule), as amended by these Regulations, is met, or

(b) an approved certificate, where notice of the marriage concerned was given under section 1 of the 1956 Act and the waiting period mentioned in section 31(3)(a) of the 1949 Act, as amended by these Regulations, has expired in relation to that notice.

(5) A caveat entered under section 29 of the 1949 Act (as applied by section 39(2) of that Act (issue of certificates on board Her Majesty's ships)(**a**)) against the issue of a certificate under section 39 and in force immediately before 4th May 2021 is to be treated, on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as a caveat against the issue of a certificate under section 39 in respect of a marriage intended to be solemnized on the authority of a marriage schedule.

Effect of forbidding before 4th May 2021 in relation to the issue of a certificate by a superintendent registrar

6.—(1) This paragraph applies in a case where—

(a) a person ("P") has, before 4th May 2021, forbidden the issue of a certificate for marriage by a superintendent registrar under section 30 of the 1949 Act (forbidding of issue of certificate)(**b**),

(b) the marriage concerned is not solemnized before that date, and

(c) immediately before that date, either or both of the persons to be married still require consent under section 3 of the 1949 Act (marriages of persons under eighteen) from P.

(2) Where notice of the marriage concerned was given under section 27 of the 1949 Act (notice of marriage), P is to be treated, on and after 4th May 2021, as having forbidden the issue of a marriage schedule under section 30(1) of the 1949 Act as amended by these Regulations.

(3) Where notice of the marriage concerned was given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), P is to be treated, on and after 4th May 2021, as having forbidden the issue of an approved certificate under section 30(1) of the 1949 Act as amended by these Regulations and as modified by section 1 of the 1956 Act, as so amended.

(**a**) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

(**b**) Section 30 was amended by paragraph 13 of Schedule 14 to the Immigration and Asylum Act 1999 and S.I. 2009/2821.

(4) The relevant superintendent registrar must, as soon as reasonably practicable, ensure the following is recorded in the marriage register—

(a) that P forbids the issue of a marriage schedule or (as the case may be) approved certificate,

(b) P's name and place of residence, and

(c) P's capacity, in relation to either or both of the persons to be married, in which P forbids the issue of a marriage schedule or (as the case may be) approved certificate.

(5) The relevant superintendent registrar must also ensure that information recorded under sub-paragraph (4) is open to inspection free of charge at all reasonable hours.

(6) In this paragraph "relevant superintendent registrar" means—

(a) in a case where the issue of a certificate for marriage was forbidden in accordance with subsection (2) of section 30 of the 1949 Act, the superintendent registrar mentioned in paragraph (a) of that subsection, or

(b) in any other case, the superintendent registrar who keeps the marriage notice book mentioned in subsection (1) of that section.

Effect of forbidding before 4th May 2021 in relation to the issue of a certificate on board one of Her Majesty's ships

7.—(1) This paragraph applies in a case where—

(a) before 4th May 2021, a person has, under section 30 of the 1949 Act (forbidding of issue of certificate) (as it is applied by section 39(2) of that Act (issue of certificates on board Her Majesty's ships)), forbidden the issue of a certificate under section 39 of that Act,

(b) the marriage concerned is not solemnized before that date, and

(c) immediately before that date, either or both of the persons to be married still require consent under section 3 of the 1949 Act (marriages of persons under eighteen) from the person mentioned in paragraph (a).

(2) On and after 4th May 2021, the person is to be treated as having forbidden the issue of a certificate under section 39 in respect of a marriage intended to be solemnized on the authority of a marriage schedule.

Issue of marriage schedule before 4th May 2021 for marriage on or after that date

8.—(1) This paragraph applies, before 4th May 2021, in a case where—

(a) a marriage is to be solemnized on or after that date, and

(b) the superintendent registrar for the registration district in which the marriage is to be solemnized is satisfied that one of conditions A to D is met.

(2) Condition A is that a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act (marriage under certificate without licence)(**a**) to each of the persons to be married.

(3) Condition B is that—

(a) one of the persons to be married resides in Scotland,

(b) the superintendent registrar for the registration district in which the marriage is to be solemnized has received a certificate issued to that person under section 7(2) of the Marriage (Scotland) Act 1977 (issue of certificate for marriage outside Scotland where a party resides in Scotland)(**b**), and

(c) a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act to the other person to be married.

(**a**) Section 31(2) was amended by section 163(1) of, and paragraph 10(2)(b) of Schedule 4 to, the Immigration Act 2014.
(**b**) 1977 c. 15. Section 7(2) was amended by section 18(3) of the Marriage and Civil Partnership (Scotland) Act 2014 asp 5.

(4) Condition C is that—

(a) one of the persons to be married is an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea,

(b) the superintendent registrar for the registration district in which the other person to be married resides has received a certificate issued under section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships) to the person referred to in sub-paragraph (a), and

(c) a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act to the other person to be married.

(5) Condition D is that—

(a) one of the persons to be married is a British subject resident in a part of Her Majesty's dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere)(**a**) applies,

(b) the superintendent registrar for the registration district in which the marriage is to be solemnized has received a certificate of the publication of banns or a certificate of notice of marriage issued to that person in accordance with the law in force in that part of Her Majesty's dominions, and

(c) a certificate for marriage has been issued, or (disregarding this paragraph) is required to be issued, under section 31(2) of the 1949 Act to the other person to be married.

(6) The superintendent registrar for the registration district in which the marriage is to be solemnized must issue a marriage schedule under section 31 of the 1949 Act as amended by these Regulations (ignoring paragraphs (a) and (b) of subsection (2) of that section and the requirement that a condition in subsection (3) of that section be met).

(7) Where a superintendent registrar issues a marriage schedule under section 31 in accordance with sub-paragraph (6), any superintendent registrar who would otherwise be required to issue a certificate under section 31(2) of the 1949 Act in respect of the marriage is no longer required to do so.

(8) Where this paragraph applies and a certificate under section 31(2) of the 1949 Act has yet to be issued, the references in section 28A(2)(b) (power to require evidence of consent to marriages of same sex couples)(**b**) and section 30(1) (forbidding of issue of certificate)(**c**) of that Act to any time before the issue of the certificate are to be read as references to any time before the issue of a marriage schedule under section 31 in accordance with sub-paragraph (6).

(9) Where a superintendent registrar refuses to issue a marriage schedule under section 31 of the 1949 Act, as amended by these Regulations, in accordance with sub-paragraph (6), on the basis that, relying on section 31(2)(a) or 31ZA of that Act (notice of marriage: false information or evidence)(**d**), a certificate is not required to be issued, the following apply as amended by these Regulations—

(a) section 31A of that Act (appeal on refusal under section 31(2)(a) or 31ZA)(**e**), and

(b) where section 31ZA of that Act is relied on, subsection (2) of that section.

(**a**) 1915 c. 40. Section 1 was amended by the Marriage of British Subjects (Facilities) Amendment Act 1916 c. 21. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

(**b**) Section 28A was inserted by section 162(1) of the Immigration and Asylum Act 1999 and section 28A(2) was amended by paragraph 6 of Schedule 4 to the Immigration Act 2014.

(**c**) Section 30 was amended by paragraph 13 of Schedule 14 to the Immigration and Asylum Act 1999 and S.I. 2009/2821.

(**d**) Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.

(**e**) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.

(10) Subsection (3)(a) to (c) of section 75 of the 1949 Act (offences relating to issue of marriage schedule)(**a**) as amended by these Regulations applies in respect of issuing marriage schedules before 4th May 2021, but as if—

(a) the reference in subsection (3)(a) of that section to none of the conditions in section 31(3) being met were a reference to none of conditions A to D being met, and

(b) for subsection (3)(c) of that section there were substituted—

"(c) issues a marriage schedule where a certificate in respect of the marriage concerned has been forbidden under section 30 of this Act by any person entitled to forbid the issue of such a certificate;".

Appeal on refusal to issue a certificate for a marriage to be solemnized on or after 4th May 2021

9.—(1) For the purposes of section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA), as amended by these Regulations, a refusal by a superintendent registrar to issue a certificate before 4th May 2021, which is not appealed before that date, is to be treated on and after 4th May 2021 as a refusal to issue—

(a) a marriage schedule, or

(b) where notice of the marriage concerned was given under section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), an approved certificate.

(2) An appeal under section 31A against a refusal by a superintendent registrar to issue a certificate which is ongoing immediately before 4th May 2021 is to be treated on and after that date as an appeal under section 31A, as amended by these Regulations, against a refusal to issue—

(a) a marriage schedule, or

(b) where notice of the marriage concerned was given under section 1 of the 1956 Act, an approved certificate.

(3) Where sub-paragraph (1)(a) or (2)(a) applies, section 31A applies as if—

(a) for subsection (2)(b) there were substituted—

"(b) direct the superintendent registrar for the registration district in which the marriage is to be solemnized to issue a marriage schedule, once satisfied that one of the conditions in section 31(3) of the 1949 Act, as amended by these Regulations, is met.", and

(b) the reference, in subsection (2A)(b), to a direction that a marriage schedule be issued were a reference to a direction under subsection (2)(b).

(4) Where notice of marriage has been given under section 27 of the 1949 Act (notice of marriage) and—

(a) the Registrar General has directed, under section 31A(2)(b), before 4th May 2021, that a certificate be issued, and

(b) no certificate or marriage schedule has been issued before that date,

that direction is to be treated on and after 4th May 2021 as a direction, to the superintendent registrar for the registration district in which the marriage is to be solemnized, to issue a marriage schedule, once satisfied that one of the conditions in section 31(3) of the 1949 Act, as amended by these Regulations, is met.

(5) Where notice of marriage has been given under section 1 of the 1956 Act and—

(a) the Registrar General has directed, under section 31A(2)(b), before 4th May 2021, that a certificate be issued, and

(b) no certificate or approved certificate has been issued before that date,

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(**a**) Section 75(3) was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 30 of Schedule 14, and paragraph 1 of Schedule 16, to the Immigration and Asylum Act 1999, paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, S.I. 1997/986 and S.I. 2009/2821.

that direction is to be treated on and after 4th May 2021 as a direction, to the superintendent registrar to whom notice was given, to issue an approved certificate, once satisfied that the waiting period mentioned in section 31(3)(a) of the 1949 Act, as amended by these Regulations, has expired in relation to that notice.

Effect of notices of marriage given before 4th May 2021 on board Her Majesty's ships

10.—(1) This paragraph applies in a case where—

(a) a notice under section 39(1) of the 1949 Act (issue of certificates on board Her Majesty's ships) is—

(i) given before 4th May 2021, and

(ii) in force immediately before that date, and

(b) the marriage concerned is not solemnized before 4th May 2021.

(2) The amendments made by these Regulations do not affect the continuation in force of the notice, which is to be treated on and after 4th May 2021, for the purposes of the 1949 Act as amended by these Regulations, as a notice under section 39(1) of that Act of a marriage intended to be solemnized on the authority of a marriage schedule.

Effect of certificates issued before 4th May 2021 on board Her Majesty's ships

11.—(1) This paragraph applies in a case where—

(a) a certificate is—

(i) issued under section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships) before 4th May 2021, and

(ii) in force immediately before that date, and

(b) the marriage concerned is not solemnized before 4th May 2021.

(2) The amendments made by these Regulations do not affect the continuation in force of the certificate, which is to be treated on and after that date, for the purposes of the 1949 Act as amended by these Regulations, as a certificate issued under section 39 of that Act in respect of a marriage intended to be solemnized on the authority of a marriage schedule.

Registration of marriage solemnized before 4th May 2021 on or after that date

12. For the purposes of registering marriages solemnized before 4th May 2021 but not registered before that date—

(a) Part 4 of the 1949 Act (registration of marriages) has effect as if the amendments made by these Regulations had not been made,

(b) the following provisions of the Registration of Marriages Regulations 2015(**a**) have effect as if the amendments made by these Regulations had not been made—

(i) regulation 3 (completion of forms),

(ii) Part 3 (registration of marriages),

(iii) regulations 16 to 18 (correction of errors),

(iv) Schedules 1 (prescribed forms) and 2 (forms of words in English and Welsh), and

(c) the following provisions of the Marriage (Authorised Persons) Regulations 1952(**b**) continue to have effect as if not omitted by these Regulations—

(i) the definition of "registration district" in regulation 2 (interpretation),

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(**a**) S.I. 2015/207, to which there are amendments not relevant to these Regulations.

(**b**) S.I. 1952/1869, relevant amending instruments are S.I. 1965/528, 1971/1216, 1974/573, 1986/1444, 2000/3164, 2005/3177, 2014/107, 2014/3061, 2015/177.

(ii) regulation 6, 7 and 10 to 25 (registration of marriages and errors discovered before completion of entry).

First quarterly return after 4th May 2021

13.—(1) Row 12 of the table in Schedule 1 to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016(**a**) (sum paid by superintendent registrar upon delivery of a certified copy) continues to apply (as if not omitted by these Regulations), with the modification in sub-paragraph (2), in relation to the delivery of any certified copy of an entry in a marriage register book required by section 57(1) of the Marriage Act 1949 (quarterly returns to be made to superintendent registrar)(**b**) to be delivered before 1st August 2021.

(2) In column 4 of Row 12 of the table in Schedule 1 to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016, the reference to the authorised person with custody of the marriage register book within the meaning of regulation 8 of the Marriage (Authorised Persons) Regulations 1952 is to be read as a reference to the authorised person, within the meaning given in sub-paragraph (3), required by law to keep the marriage register book.

(3) In sub-paragraph (2) "authorised person" means a person whose name and address have been certified under section 43 or 43B of the 1949 Act (appointment of authorised persons for buildings and chapels registered for solemnization of marriage)(**c**).

(4) The requirements of regulation 8 of the Marriage (Authorised Persons) Regulations 1952 (custody of register books and forms) relating to forms for certified copies continue to apply in relation to a registered building (within the meaning of that regulation) until the requirements under section 57 of the 1949 Act have been complied with in respect of all marriage register books to which that section applies relating to the registration of marriages solemnized in that building.

Prosecution of offence of failure to make quarterly return

14. Regulation 23(2) of the Registration of Marriages Regulations 2015 (proceedings in respect of an offence under section 76(1) or (2) of the 1949 Act) has effect as if the amendments made by these Regulations had not been made, in relation to any offence committed on or before 1st August 2021 under section 76(2) of the 1949 Act (offences relating to registration of marriages)(**d**).

Period of validity of Registrar General's licence and offence of solemnization of marriage after one month from date of entry of notice

15.—(1) This paragraph applies in a case where—

(a) a notice of marriage is entered in a marriage notice book in accordance with section 2 of the Marriage (Registrar General's Licence) Act 1970 (notice of marriage)(**e**) before 4th May 2021, and

(b) the marriage is not solemnized before that date.

(2) Sections 8(1) and 16(1)(c) of the Marriage (Registrar General's Licence) Act 1970 (period of validity of licence and offence of solemnising marriage after expiry of validity of Registrar General's licence) have effect as if the amendments made by these Regulations had not been made.

(**a**) S.I. 2016/911. Row 12 was amended by S.I. 2017/947.
(**b**) Section 57 was amended by Schedule 2 to the Registration Service Act 1953 (c. 37), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.
(**c**) Section 43 was amended by paragraph 10 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013. Section 43B was inserted by paragraph 2 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013.
(**d**) Section 76(2) was amended by sections 38 and 46 of the Criminal Justice Act 1982 (c. 42).
(**e**) 1970 c. 34. Section 2 was amended by paragraph 24 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

Marriage of British Subjects (Facilities) Act 1915 and Marriage of British Subjects (Facilities) Amendment Act 1916

16.—(1) This paragraph applies in a case where—

(a) a marriage is to be solemnized or contracted in a part of Her Majesty's dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere) applies between a British subject resident in that part and a British subject resident in England or Wales, and

(b) immediately before 4th May 2021—

(i) a notice of marriage, given under the 1949 Act, is in force, and

(ii) a certificate for marriage has not been issued under the 1949 Act.

(2) On and after 4th May 2021, the Marriage of British Subjects (Facilities) Act 1915, the Marriage of British Subjects (Facilities) Amendment Act 1916(**a**) and the 1949 Act have effect as if the amendments made by these Regulations had not been made.

(3) Regulation 10 of, and Schedule 1 to, the Registration of Marriages Regulations 2015 (forms of certificate and Registrar General's licence for marriage) have effect as if the amendments made by these Regulations had not been made.

17. These Regulations do not affect the continuation in force of any certificate issued under section 1(1)(b) of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere) before 4th May 2021.

18.—(1) This paragraph applies in a case where—

(a) a marriage is to be solemnized on or after 4th May 2021,

(b) one of the persons to be married is a British subject resident in a part of Her Majesty's dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere) applies,

(c) a certificate of the publication of banns or a certificate of notice of marriage is issued to that person before 4th May 2021 in accordance with the law in force in that part of Her Majesty's dominions,

(d) the other person to be married gives notice of the marriage in accordance with the 1949 Act before 4th May 2021, and

(e) that notice is in force immediately before that date.

(2) On and after 4th May 2021, the 1949 Act as amended by these Regulations has effect as if in section 31(3) (conditions for issuing marriage schedule), after paragraph (c) there were inserted—

";

(d) where one party to the marriage is a British subject resident in a part of Her Majesty's dominions outside the United Kingdom to which section 1 of the Marriage of British Subjects (Facilities) Act 1915 applies, the superintendent registrar has received a certificate of the publication of banns or a certificate of notice of marriage issued to that person in accordance with the law in force in that part of Her Majesty's dominions and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired.".

(**a**) 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.

Marriage (Scotland) Act 1956

19. These Regulations do not affect the continuation in force of any certificate issued, under the 1949 Act as applied by section 1 of the 1956 Act (notice of marriage to be solemnized in Scotland), before 4th May 2021.

Operation of section 16 or 17 of the Interpretation Act 1978

20. Nothing in this Schedule prejudices the operation of section 16 or 17 of the Interpretation Act 1978 (general savings)(**a**).

Correction of completed entries in marriage register books

21. Any obligation which arose before 4th May 2021 in respect of a completed entry in a marriage register book under—

(a) section 61 of the 1949 Act (correction of errors in register book),

(b) regulation 26 of the Marriage (Authorised Persons) Regulations 1952 (errors discovered after completion of entry), or

(c) regulation 19 of the Registration of Marriages Regulations 2015 (correction of errors in completed entry),

and which is not complied with before that date ceases to have effect.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marriage Act 1949 ("the 1949 Act") to provide for a new marriage registration system.

The Regulations also, in Part 2, amend section 28B of the 1949 Act to specify the evidence that must accompany a notice of marriage where a party to the marriage is a relevant national by virtue of having status, or a pending application for status (within the meaning of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209)), under the EU Settlement Scheme ("the EUSS"). The EUSS was established by the Government in Appendix EU to the Immigration Rules.

Parts 3 and 4 (and Part 1 of Schedule 1) insert provision in the 1949 Act for a new registration system. The amendments 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 before solemnizing the marriage. The amendments also provide that any other marriage is only to be solemnized after the superintendent registrar for the registration district in which the marriage is taking place has issued a marriage schedule.

The amendments further provide that following solemnization of the marriage, the marriage document or marriage schedule must be signed and returned to the registrar for the registration district in which the marriage took place. The registrar must then register the marriage by entering particulars into a register, accessible in electronic form. The clergyman will be responsible for returning the marriage document to the registrar and the specified person (as defined in new section 53C(8), inserted by regulation 7) will be responsible for returning the marriage schedule, except in respect of a marriage schedule where the marriage was solemnized by a registrar.

Part 4 revokes provisions in the 1949 Act which required marriages to be solemnized on the issue of two certificates of a superintendent registrar and which required marriages to be registered by a number of different persons.

(**a**) 1978 c. 30.

Part 5 amends the Marriage of British Subjects (Facilities) Act 1915 and the Marriage of British Subjects (Facilities) Amendment Act 1916, so that those Acts will no longer apply in respect of England and Wales.

Part 1 of Schedule 1 contains consequential and related amendments to the 1949 Act. These include creation of a new offence of failing to attend at the office of a registrar after having been given notice to do so for the purpose of returning a signed marriage document or marriage schedule (as the case may be). The amendments also enable the Registrar General to prescribe the form of a marriage document and marriage schedule.

Part 2 of Schedule 1 contains consequential amendments to other primary legislation, including the Marriage (Scotland) Act 1956, the Marriage (Registrar General's Licence) Act 1970 and the Immigration Act 2014.

Part 3 of Schedule 1 contains consequential amendments to secondary legislation.

Schedule 2 contains transitional provisions, to enable a smooth transition to the new registration system.

The impact of the new marriage registration system on the public sector is outlined in the impact assessment prepared for the Registration of Marriage Bill 2017 – 2019 available via the Explanatory Notes for that Bill at https://publications.parliament.uk/pa/bills/lbill/2017-2019/0019/Impact-assessment.pdf. Hard copies can be obtained by writing to the Civil Registration Reform Team, General Register Office, Smedley Hydro, Trafalgar Road, Birkdale, Southport PR8 2HH. A full impact assessment has not been produced for this instrument as no, or no significant, additional impact on the private, voluntary or public sector is foreseen.

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http://www.legislation.gov.uk/id/ukdsi/2021/9780348220308