CHAPTER 74.

An Act to amend and explain the Foreign Marriage Acts.

[5th August 1891.]

12 & 13 Vict. c. 68. 31 & 32 Vict. c. 61. 53 & 54 Vict. c. 47.

WHEREAS the Consular Marriage Act, 1849, and the Acts amending the same were by the Marriage Act, 1890, extended to marriages in British Embassies and on board Her Majesty's ships and other places, and by the Marriage Act, 1890, power was given to Her Majesty the Queen in Council to make regulations for adapting the said Acts to those marriages and for other purposes therein mentioned, and it is expedient to remove various doubts which have arisen respecting the application of the said Acts, and respecting the powers which may be exercised by the said regulations, in this Act referred to as the "marriage regulations," and to make further provision for the said extension:

And whereas it is expedient further to amend the said Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Foreign Marriage Act, 1891.

This Act shall be construed as one with the Consular Marriage Act, 1849, the Consular Marriage Act, 1868, and the Marriage Act, 1890, and this Act and those Acts may be cited together as the Foreign Marriage Acts, 1849 to 1891, and are in this Act referred to as the Foreign Marriage Acts.

Period of residence for marriage.

2. The period of residence required for a marriage under the Foreign Marriage Acts shall be three weeks, and accordingly in section two of the Consular Marriage Act, 1849, one week shall be substituted for one calendar month.

Declaration before marriage.

3. Before any marriage is solemnized under the Foreign Marriage Acts both the parties intending marriage shall appear before the consul, and each of them shall make oath—

(*a*) that he or she believes that there is not any impediment in kindred or alliance, or other lawful hindrance to the marriage; and

(*b*) unless the requirements of the Foreign Marriage Acts as to residence have been dispensed with, that both of the parties have for three weeks immediately preceding had their usual places of abode within the district of the consul; and

(*c*) where either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons whose consent to the marriage is required by law has been obtained thereto, or, as the case may be, that there is no person having authority to give such consent.

Registration of marriages solemnized under local law.

4.—(1.) Subject to the marriage regulations, a British consular officer, on being satisfied by personal attendance that a marriage between parties being British subjects, or of whom one is a British

subject, has been duly solemnized in a foreign country in accordance with the local law of the country, and on payment of the fee required by law, may register the marriage in accordance with the marriage regulations as having been so solemnized, and thereupon the Foreign Marriage Acts shall apply as if the marriage had been registered in pursuance of those Acts, except that nothing in this section shall affect the validity of the marriage so solemnized.

(2.) Section six of the Marriage Act, 1890, is hereby repealed.

Explanation and extension of 53 & 54 Vict. c. 47. s. 9 as respects the making of regulations by Queen in Council.

5.—(1.) The marriage regulations may—

(*a*) authorise the officer by or before whom the regulations determine that marriages in the house of a British ambassador or minister, or on board one of Her Majesty's vessels, may be solemnized or registered, to act without any such written authority as is mentioned in the Consular Marriage Act, 1849; and so authorise him whether he is described in the regulations or is named in pursuance thereof;

(*b*) authorise the appointment of a person to act under the Foreign Marriage Acts in the place of any such high commissioner or resident as is mentioned in the Marriage Act, 1890;

(*c*) prescribe the forms to be used in substitution for or in addition to those in the schedules to the Consular Marriage Act, 1849; and

(*d*) make such provision as may seem necessary or proper for carrying into effect the Foreign Marriage Acts, or any marriage regulations.

(2.) The regulations providing for the matters in this section mentioned are included in this Act in the expression "marriage regulations," and the marriage regulations may be made either generally or with reference to any particular case or class of cases.

(3.) Section nine of the Marriage Act, 1890, shall have effect as if in paragraph (*d*) thereof for the words "by whom," were substituted the words "by or before whom."

Explanation of 12 & 13 Vict. c. 68. s. 19 as to the grant of authority to solemnize marriages.

6.—(1.) The written authority to solemnize and register marriages given by a Secretary of State in pursuance of section nineteen of the Consular Marriage Act, 1849, and any enactment amending that section, may be addressed to a marriage officer as herein-after defined by the name of his office, without designating the name of any particular person holding the office, and that authority may be executed by the person who for the time being holds or acts in the office described in the authority, and that person shall be a duly authorised consul within the meaning of the Foreign Marriage Acts, and the expression "consul" in those Acts shall, except where such meaning is inconsistent with the context, mean a marriage officer so authorised.

(2.) For the purposes of this Act a marriage officer means any British ambassador, minister, or chargé d'affaires, any British consular officer, and any other officer who, in pursuance of the Foreign Marriage Acts or the marriage regulations, can be authorised to solemnize and register marriages under the said Acts.

(3.) A Secretary of State may, by writing under his hand, vary or revoke any authority previously issued under section nineteen of the Consular Marriage Act, 1849, as amended by this section.

Avoidance of objections to marriages on account of want of authority of officer.

7.—(1.) Where a marriage purports to have been solemnized and registered in pursuance of the Foreign Marriage Acts or any of them in the house of a British ambassador or minister, or in a British consulate, or on board any of Her Majesty's vessels, it shall not be necessary in support of the marriage to give any proof of the authority of the marriage officer within the meaning of this Act by or before whom the marriage was solemnized and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorised officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceedings touching the validity of the marriage.

(2.) A certificate of a Secretary of State that any house, office, chapel, or other place is or is part of the house of a British ambassador or minister, or a British consulate, shall be conclusive.

Power to refuse solemnization of marriage where marriage inconsistent with international law.

8. A marriage officer shall not be required to solemnize a marriage, or to allow a marriage to be solemnized in his presence, if in his opinion the solemnization thereof would be inconsistent with international law or the comity of nations.

Provided that if any such officer refuses to solemnize or to allow to be solemnized in his presence the marriage of any person requiring the marriage to be solemnized, the person so requiring shall have a right of appeal to the Secretary of State, who shall thereupon either confirm the refusal or direct the solemnization of the marriage.

Abolition of marriage by licence.

9. Whereas section seven of the Marriage Act, 1890, abolished the distinction between the preliminaries required for marriages by licence and marriages without licence under the Consular Marriage Act, 1849, and it is accordingly expedient that marriages by licence under that Act be formally abolished; therefore—

A licence for marriage shall not be granted under the Foreign Marriage Acts after the commencement of this Act, and section six of the Consular Marriage Act, 1849, and subsection two of section seven of the Marriage Act, 1890, are hereby repealed.

Explanation as to dispensing with residence and notice under 53 & 54 Vict. c. 47. s. 9.

10. Any marriage regulations which dispense for any reason, whether residence out of the district or otherwise, with the requirements of the Foreign Marriage Acts as to residence and notice, may require as a condition or consequence of such dispensation, the production of such notice, certificate, or document, and the taking of such oath, and may authorise the publication or grant of such notice, certificate, or document, and the charge of such fees, as may be prescribed by the marriage regulations; and sections fifteen and sixteen of the Consular Marriage Act, 1849, shall apply as if such notice, certificate, or document were a notice, and such oath were an oath within those sections.

11. In any Act relating to the solemnization of marriages abroad, expressions referring to a British minister shall be construed to include, and to have always included, a British chargé d'affaires, and in this Act the expression "minister" shall be construed in like manner; and the expression "British consular officer" shall include a pro-consul and an acting consular agent. Meaning of ambassador and consular officer.

12. All marriages solemnized on board one of Her Majesty's vessels on or before the last day of July one thousand eight hundred and ninety-one, shall be deemed to be as valid as they would have been if the Marriage Act, 1890, had not passed. Confirmation of marriages on board Her Majesty's ships.

CHAPTER 75.

An Act to amend the Law relating to Factories and Workshops. [5th August 1891.]

WHEREAS it is expedient to amend the Factory and Workshop Act, 1878 (herein-after referred to as the principal Act): 41 Vict. c. 16.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sanitary Provisions.

1.—(1.) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, or limewashing are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions. Powers of Secretary of State as to sanitary provisions in workshops.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies, as he has under the principal Act as amended by this Act with respect to factories, and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.