STATUTORY INSTRUMENTS

1964 No. 1000

MARRIAGE

The Foreign Marriage (Armed Forces) Order 1964

Made - - - -	*3rd July* 1964
Laid before Parliament	*9th July* 1964
Coming into Operation	*1st October* 1964

At the Court at Buckingham Palace, the 3rd day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf conferred upon Her by sections 18(2) and (3), 21 and 22 of the Foreign Marriage Act 1892(a), as amended by sections 2, 3, 4(2) and 6 of the Foreign Marriage Act 1947(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The persons to whom (in addition to members of the naval, military or air forces of Her Majesty) section 22(1) of the Foreign Marriage Act 1892 (as re-enacted by the Foreign Marriage Act 1947) (in this Order hereafter referred to as "the said section 22(1)") shall apply shall be persons employed in any of the capacities specified in Article 2 of this Order in the territory where the marriage is solemnised; and the prescribed conditions for the purposes of the said subsection shall in all cases be those specified in Article 3 of this Order.

2. The capacities referred to in Article 1 of this Order are those of female persons employed:—

(*a*) with the medical or dental branches of the Royal Navy as officers;

(*b*) as members of the Women's Royal Naval Service;

(*c*) as members of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof;

(*d*) as a member of a Voluntary Aid Detachment under the Ministry of Defence.

3. The prescribed conditions referred to in Article 1 of this Order are:—

(*a*) that before a marriage is solemnised under the said section 22(1), there shall be produced to the Chaplain or other person authorised pursuant to the said section 22(1) a certificate signed or purporting to be signed by or on behalf of the Commander in the territory in which that party to the marriage is serving or employed such certificate to state that the Commander has no objection to the marriage; Provided that if both parties to the marriage shall be persons to whom the said section 22(1) applies certificates in respect of both such persons shall be produced as hereinbefore provided;

(a) 55 & 56 Vict. c. 23. (b) 10 & 11 Geo. 6. c. 33.

(*b*) that the certificate referred to in paragraph (*a*) of this Article shall contain the full names, addresses, rank, (where appropriate), and marital status of the parties to the marriage and the capacity in which the person signing or purporting to be signing the same does so;

(*c*) that the marriage shall be solemnised in the presence of not less than two witnesses in addition to the parties and the person solemnising the marriage.

4. For the purpose of this Order the expression " the Commander in the Territory " means:—

(*a*) where a party to the marriage is a member of the naval forces, or a person employed in any of the capacities specified in Article 2 of this Order, the officer commanding the naval forces of Her Majesty in the territory;

(*b*) where a party to the marriage is a member of the military forces, the officer commanding the military forces of Her Majesty in the territory;

(*c*) where a party to the marriage is a member of the air forces, the officer commanding the air forces of Her Majesty in the territory.

5. Where a marriage has been solemnised under section 22 of the Foreign Marriage Act 1892, whether before or after the date of this Order, the same shall be registered (if not registered at the date of this Order) in the manner provided for in the Service Departments Register Order 1959(**a**).

6. The provisions set forth in Schedule 1 to this Order, being laws in force in New Zealand and Australia respectively and which make provisions appearing to be similar to the provisions of section 22 of the Foreign Marriage Act 1892 as originally enacted or as re-enacted by section 2 of the Foreign Marriage Act 1947, shall have effect as part of the law of the United Kingdom in relation respectively to forces raised in these Dominions.

7. The Orders specified in column 1 of Schedule 2 to this Order are hereby revoked to the extent respectively specified in column 3 of that Schedule.

8.—(1) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order were an Act of Parliament.

(2) Section 38 of the Interpretation Act 1889 shall apply in relation to the Orders or provisions of Orders hereby revoked as if this Order was an Act of Parliament and those Orders and provisions of Orders were enactments repealed by an Act of Parliament.

9.—(1) This Order may be cited as the Foreign Marriage (Armed Forces) Order 1964.

(2) This Order shall come into force on 1st October 1964.

W. G. Agnew.

(**a**) S.I. 1959/406 (1959 II, p. 2303). (**b**) 52 & 53 Vict. c. 63.

SCHEDULE 1

Article 6 19 137

NEW ZEALAND—Sub-section (1) of section 7 of the Marriage Amendment Act 1946 reads as follows:—

"Any Service marriage solemnised out of New Zealand by any member of the forces who is a chaplain or is duly authorised in that behalf shall be deemed to have been and to be valid as if it had been solemnised in New Zealand in accordance with the Principal Act(a) by a person duly authorised in that behalf."

AUSTRALIA—Section 14 of the Marriage (Overseas) Act 1955 reads as follows:—

"(1) Subject to this Act a marriage between parties of whom one at least is a member of the Defence Force may be solemnised in an overseas country by a chaplain.

(2) A marriage solemnised under this part being a marriage which if it had been solemnised in the Australian Capital Territory and the forms required by the law in force in that Territory had been duly observed would under the law of a State or Territory of the Commonwealth have been a valid marriage is, by force of this Act, valid in that State or Territory.

(3) The Governor General may by proclamation declare that a part of the Queen's Dominions which has been occupied by a state at war with the Commonwealth and in which facilities for marriage in accordance with the local law have not, in the opinion of the Governor General, been adequately restored shall be deemed to be an overseas country for the purposes of this section."

SCHEDULE 2

Article 7

Column 1 Orders	Column 2 References	Column 3 Extent of revocation
The Foreign Marriages (Egypt, Iran and Iraq) Order in Council 1944	S.R. & O. 1944/1130 (Rev. XIII, p. 230: 1944 I, p. 455)	The whole Order
The Foreign Marriage Order in Council 1947	S.R. & O. 1947/2875 (Rev. XIII, p. 220: 1947 I, p. 1267)	Articles 2, 3 and 4 and Schedules 1, 2 and 3
The Foreign Marriage Order 1957	S.I. 1957/860 (1957 I, p. 1353)	The whole Order
The Foreign Marriage (Amendment) Order 1959	S.I. 1959/538 (1959 I, p. 1673)	The whole Order
The Foreign Marriages (Egypt, Iran and Iraq) Amendment Order 1959	S.I. 1959/297 (1959 I, p. 1675)	The whole Order

(a) The New Zealand Marriage Act 1908.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Foreign Marriage Act 1892, section 22(1), as amended by the Foreign Marriage Act 1947, provides that marriages celebrated before a chaplain in foreign territory shall be as valid as if celebrated in the United Kingdom as long as one of the parties is a member of the naval, military or air forces of Her Majesty. Orders in Council are required to (1) prescribe the persons to whom (in addition to members of the Armed Forces) the section shall apply (2) prescribe conditions which must be complied with (3) make provisions for registration of such marriages and (4) secure that any law in force in any Dominion appearing to Her Majesty to make provisions similar to section 22 of the Foreign Marriage Act 1892 shall have effect as part of the law of the United Kingdom.

This Order replaces the Foreign Marriage Orders 1947 and 1957 so far as they relate to the above matters.