STATUTORY INSTRUMENTS

1970 No. 1539

MARRIAGE

The Foreign Marriage Order 1970

Made - - - -	19*th October* 1970
Laid before Parliament	23*rd October* 1970
Coming into Operation	1*st January* 1971

At the Court at Buckingham Palace, the 19th day of October 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 18 and 21 of the Foreign Marriage Act 1892(**a**), as amended by sections 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. This Order may be cited as the Foreign Marriage Order 1970. It shall come into operation on 1st January 1971.

2.—(1) Unless otherwise provided in this Order, expressions used in this Order shall have the same meaning as in the Foreign Marriage Act 1892.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) Before a marriage is solemnised in a foreign country under the Foreign Marriage Acts 1892 to 1947(**d**), the marriage officer must be satisfied :

(*a*) that at least one of the parties is a British subject ; and

(*b*) that the authorities of that country will not object to the solemnisation of the marriage ; and

(*c*) that insufficient facilities exist for the marriage of the parties under the law of that country ; and

(*d*) that the parties will be regarded as validly married by the law of the country to which each party belongs.

(2) If a marriage officer, by reason of anything in this Article, refuses to solemnise or allow to be solemnised in his presence the marriage of any person requiring such marriage to be solemnised, that person shall have the same right to appeal to the Secretary of State as is given by section 5 of the Foreign Marriage Act 1892.

4.—(1) In special cases, where the Secretary of State is satisfied that for some good cause the requirements of the Foreign Marriage Act 1892 as to residence and notice for a marriage intended to be solemnised under the Act cannot be complied with, and he is satisfied that the intended marriage

(**a**) 1892 c. 23. (**b**) 1947 c. 33. (**c**) 1889 c. 63.
(**d**) 1892 c. 23; 1934 c. 13; 1947 c. 33.

is not clandestine and that adequate public notice of the intended marriage has been given in the place or places where each of the parties resided not less than fifteen days next preceding the giving of such notice, he may authorise the marriage officer to dispense with those requirements.

(2) In cases falling under paragraph (1) of this Article, the oath under section 7 of the Foreign Marriage Act 1892 shall omit the matter specified in subsection (*b*) of that section.

5. For the purpose of marriages to be solemnised by or before a consular officer who is a marriage officer, every place within the curtilage or precincts of the building which is for the time being used for the purpose of his office shall be part of the official house of such marriage officer, and every place to which the public have ordinary access in such official house shall be deemed to be part of the office of such marriage officer.

6. When a certified copy of an entry in a marriage register kept under section 9 of the Foreign Marriage Act 1892, relating to a party shown to be from Scotland or Northern Ireland is received by the Registrar General, he shall send a copy of that entry to the Registrar General for Scotland or Northern Ireland, as the case may require.

7.—(1) Where a marriage between parties, of whom one at least is a British subject, has been duly solemnised or has taken place in a foreign country in accordance with the local law of the country, either party to the marriage, being a British subject, may produce to the consul of Her Majesty's Government in the United Kingdom for the district in which the marriage has been solemnised or has taken place (or in the absence of such officer to the appropriate consul of any other Government who, by arrangement with Her Majesty's Government in the United Kingdom, have undertaken consular representation in that district on behalf of Her Majesty's Government in the United Kingdom) a certified copy of the entry in the marriage register duly authenticated by the appropriate authority in that country or a marriage certificate issued by the appropriate authority of the country, accompanied by a translation into English, and may request him to accept the certificate as a certificate of marriage issued in accordance with the local law and to certify the translation ; and the consul, on payment of the appropriate fee, shall, if he is satisfied that the certificate has been duly issued by the appropriate authority and that the translation is a true one, transmit the said certificate and translation, together with his own certificate regarding the accuracy of the translation, to the Registrar General or, in the case of any certificate relating to a party shown to be from Scotland or Northern Ireland, to the Registrar General for Scotland or Northern Ireland as the case may require.

(2) Any person shall be entitled to have from the appropriate Registrar General a certified copy of any document received by that Registrar General as aforesaid, on payment of fees in respect of the provision of the copy and any necessary search for the document. The fees shall be the fees which are for the time being charged by the appropriate Registrar General for the provision of a certified copy of, and any necessary search for, an entry in the records in his custody of marriages performed in England and Wales, Scotland or Northern Ireland, as the case may be.

(3) Any copy of any foreign marriage certificate issued by the appropriate Registrar General under the provisions of paragraph (2) of this Article shall, without further proof, be received in evidence to the like extent as if it were a certificate duly issued by the authorities of the foreign country in which the marriage was celebrated.

8. The forms in the Schedule to this Order shall be used in all cases to which they are applicable.

9.—(1) The Foreign Marriage Order 1964(**a**) and the Foreign Marriage (Amendment) Order 1967(**b**) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889(**c**) shall apply in relation to the said Orders as if the present Order were an Act of Parliament and as if the said Orders were enactments repealed by an Act of Parliament.

W. G. Agnew.

SCHEDULE Art. 8

FORMS

No. 1—Notice of Marriage

(*Section 2 of the Foreign Marriage Act* 1892)

To [Her Majesty's Consul-General *or* Consul *or* Vice-Consul] at

I hereby give you notice that a marriage is intended to be had within three calendar months from the date hereof between me and the other party herein named and described (that is to say):

Name and Surname	*Condition*	*Profession*	*Age*	*Residence*	*Length of Residence*
A.B.....					
C.D.....					

Witness my hand, this day of

(Signed) A.B., *or*
C.D.

No. 2—Form of Oath

(*Section 7 of the Foreign Marriage Act* 1892)

I, A.B., of ....., make oath and say as follows:

1. A marriage is proposed to be solemnised between me and C.D.

2. I believe that there is not any impediment in kindred or alliance, or other lawful hindrance to the above marriance.

3. Both I and C.D. have for three weeks immediately preceding this date had our usual residence within the district of [*here insert the official title of the marriage officer, and the place where he is appointed to reside*], that is to say, I at ....., and C.D. at ..... [to be omitted in cases falling under Article 4 of the Order]

4. [I am not under the age of 18 years] [*or as the case may be,* I am under the age of 18 years and the widow/er of E.F. who died on the day of] [*or,* I am under the age of 18 years and the consent of G.H. and I.J., whose consent is required by law to my marriage, is given as shown by the writing under their/his/her hand now shown to me and marked [ ] [*or,* I am under the age of 18 years and there is no person whose consent to my marriage is required [*or,* I am under the age of 18 years and the necessity of obtaining the consent of the persons whose consent to my marriage is required by law has been dispensed with].

(a) S.I. 1964/926 (1964 II, p. 2070). (b) S.I. 1967/1143 (1967 II, p. 3373).
(c) 1889 c. 63.

5. [C.D. is not under the age of 18 years] [*or, as the case may be,* C.D. is under the age of 18 years and the widow/er of K.L. who died on the day of] [*or,* C.D. is under the age of 18 years and the consent of M.N. and O.P., whose consent is required by law to his/her marriage, is given as shown by the writing under their/his/her hand now shown to me and marked [ ] [*or,* C.D. is under the age of 18 years and there is no person whose consent to his/her marriage is required] [*or,* C.D. is under the age of 18 years and the necessity of obtaining the consent of the persons whose consent to his/her marriage is required by law has been dispensed with].

6. I make the foregoing statements solemnly and deliberately, conscientiously believing the same to be true, well knowing that if any person knowingly and wilfully makes a false oath or signs a false notice under the Foreign Marriage Act 1892, for the purpose of procuring a marriage, he may be guilty of an offence under section 3 of the Perjury Act 1911; and well knowing also that any person who, being married or single, shall marry any other person during the life of the husband or wife of either party as the case may be, may be guilty of an offence under section 57 of the Offences against the Person Act 1861.

Sworn at .....
this ..... day of 19
Before me, XY H.M. Consul (*or as the case may be*) at .....

A.B.

X.Y. (Official seal)

No. 3—Certificate of Copy of Marriage Register
(*s.* 10(1) *of the Foreign Marriage Act* 1892)

I, ..., Her Majesty's Consul [*or as the case may be*], residing at ....., hereby certify that this is a true copy of the entries of marriages registered in this office, from the entry of the marriage of A.B. and C.D. number *one,* to the entry of the marriage of E.F. and G.H., number *two.*

Witness my hand and seal this day of 19 .

(Signature and official seal of marriage officer).

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order is made under the Foreign Marriage Acts 1892 to 1947.

The Order, which supersedes the Foreign Marriage Order 1964 as amended by the Foreign Marriage (Amendment) Order 1967, lays down conditions under which marriages of British subjects may be solemnised by marriage officers under the Acts. It also makes provision for marriages of British subjects solemnised under the local law of foreign countries to be recorded in the United Kingdom. The principal changes from the previous Order are:—

(i) to provide that marriages may only be solemnised in a foreign country by marriage officers under the Acts where insufficient facilities exist under the local law; and

(ii) to discontinue the provisions relating to the personal attendance of consular officers at the marriages of British subjects solemnised under the local law of foreign countries.

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