CHAPTER 47.

An Act to amend the Law relating to the Marriage of British Subjects outside the United Kingdom.

[18th August 1890.]

BE it 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.

1.—(1.) This Act may be cited for all purposes as the Marriage Act, 1890.

(2.) The Act of the session held in the twelfth and thirteenth years of Her Majesty, chapter sixty-eight, intituled "An Act for "facilitating the marriage of British subjects resident in foreign "countries," is in this Act referred to and may be cited as the Consular Marriage Act, 1849.

Marriage at British embassy or house of ambassador to be deemed to be valid.

2. Every marriage between parties of whom one at least is a British subject which, from and after the commencement of this Act, shall be solemnized in accordance with the provisions of this Act in the house of any British ambassador or minister residing within the country to the Court of which he is accredited, shall be deemed and held to be as valid in the law as if the same had been solemnized within the United Kingdom with a due observance of all forms required by law, and the Consular Marriage Acts, as amended by this Act, and as modified by adaptations made in pursuance of this Act, shall apply accordingly.

Procedure in cases of marriages at embassies, &c. 12 & 13 Vict. c. 68. 31 & 32 Vict. c. 61.

3. The Consular Marriage Act, 1849, and the Consular Marriage Act, 1868 (in this Act referred to as the Consular Marriage Acts), as amended by this Act, shall apply in the case of a marriage solemnized before any governor, high commissioner, resident, or consular or other officer directed or authorised to solemnize and register marriages in the manner provided by the nineteenth section of the said Consular Marriage Act, 1849, as if such governor, high commissioner, resident, or consular or other officer were a consul within the meaning of the Consular Marriage Acts. This section and the provisions of the Consular Marriage Acts and this Act relating to the marriages in this section referred to shall not be limited to places outside Her Majesty's dominions.

Marriage on board Her Majesty's ships on foreign station.

4. Every marriage between parties of whom one at least is a British subject which, from and after the commencement of this Act, shall be solemnized in accordance with the provisions of this Act on board one of Her Majesty's vessels on a foreign station, shall be deemed and held to be as valid in the law as if the same had been solemnized within the United Kingdom with a due observance of all forms required by law.

Procedure in cases of marriages on board Her Majesty's ships.

5. The Consular Marriage Acts as amended by this Act shall apply in the case of a marriage solemnized on board one of Her Majesty's vessels as if the commanding officer of the vessel were a consul within the meaning of the Consular Marriage Acts.

Registration of marriages solemnized under local law.

6. Where a consul is satisfied, in accordance with regulations made under this Act, that a marriage between parties, of whom one at least is a British subject, has been duly solemnized there in accordance with the local law of the country, he may register the marriage, and thereupon, subject to the said regulations, the Consular Marriage Acts shall apply as if the marriage had been solemnized in pursuance of those Acts.

Amendment 12 & 13 Vict. c. 68. ss. 3, 6, and 9, as to procedure before marriage.

7.—(1.) The period during which a copy of the notice referred to in section three of the Consular Marriage Act, 1849, is to be suspended in the office of the consulate shall be fourteen days, whether the marriage is solemnized by licence or without licence, and section nine of the same Act shall have effect as if the period therein referred to were fourteen days in the case both of marriage by licence and of marriage without licence.

(2.) The affirmation or declaration required by section six of the Consular Marriage Act, 1849, in the case of marriages by licence shall be required whether the marriage is by licence or without licence, but the certificate referred to in that section shall only be given in cases of marriage by licence.

Amendment of 12 & 13 Vict. c. 68. s. 9, as to hours of marriage.

8. Section nine of the Consular Marriage Act, 1849, shall have effect as if the words "eight in the forenoon and three in the afternoon" were substituted for the words "eight and twelve in the forenoon."

Power to make regulations.

9. Her Majesty the Queen may, by Order in Council, make regulations—

(*a.*) Prohibiting or restricting the exercise by ambassadors, ministers, governors, high commissioners, residents, commanders of ships, consuls, and other officers of their powers under the Consular Marriage Acts and this Act in cases where the exercise of those powers appears to Her Majesty to be inconsistent with international law or the comity of nations, or in places where, in the opinion of Her Majesty, sufficient facilities exist without the exercise of those powers for the solemnization of marriages to which any British subject is a party; and

(*b.*) Determining what offices, chapels, or other places are, for the purposes of marriages under the Consular Marriage Acts or this Act, to be deemed to be part of the house of an ambassador or minister or of a consulate or office of a consulate; and

(*c.*) Modifying in special cases or classes of cases the requirements of the Consular Marriage Acts and this Act as to residence and notice, so far as such modification appears to Her Majesty to be consistent with the observance of due precautions against the solemnization of clandestine marriages; and

(*d.*) Adapting the Consular Marriage Acts to marriages in the house of a British ambassador or minister, or on board one of Her Majesty's vessels, and determining by whom such marriages may be solemnized or registered; and

(*e.*) Adapting the Consular Marriage Acts to marriages before a governor, high commissioner resident, or other officer; and

(*f.*) Determining the conditions under which and directing the mode in which marriages solemnized in accordance with the local law of a foreign country may be registered in pursuance of this Act; and

(*g.*) Varying and revoking any regulations previously made.

All such regulations shall be published under the superintendence of Her Majesty's Stationery Office, and laid before both Houses of Parliament, and shall while in force have effect as if enacted by this Act.

Saving.

10. Nothing in this Act contained shall confirm or impair, or in anywise affect, or be construed to confirm or impair, or in anywise affect, the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided, and this Act shall not extend to the marriage of any of the Royal family.

Commencement of Act.

11. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-one.

Repeal.

12. The enactments specified in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule.

Section 13.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
4 Geo. 4. c. 67. -	An Act to declare valid certain Marriages that have been solemnized at St. Petersburg since the abolition of the British factory there.	The whole Act, so far as it relates to any marriage solemnized after the commencement of this Act.
4 Geo. 4. c. 91. -	An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad.	The whole Act, so far as it relates to any marriage solemnized after the commencement of this Act in the chapel or house of any British ambassador or minister, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory.

CHAPTER 48.

An Act to amend the Pharmacy Act (Ireland), 1875.

[18th August 1890.]

BE it 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: