STATUTORY INSTRUMENTS

2021 No. 539

MARRIAGE, ENGLAND AND WALES

The Marriage (Authorised Persons) Regulations 2021

Made - - - - 29th April 2021

Coming into force in accordance with regulation 1(2) and (3)

The Registrar General makes the following Regulations with the approval of the Secretary of State in exercise of the powers conferred by sections 43(1) and 74(1)(a) and (b) of the Marriage Act 1949(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marriage (Authorised Persons) Regulations 2021.

(2) The following provisions of these Regulations come into force on 4th May 2021—

(a) this regulation;

(b) regulation 3 so far as it revokes regulations 3, 5 and 9(1) of the Marriage (Authorised Persons) Regulations 1952(**b**).

(3) The following provisions of these Regulations come into force on 14th May 2021—

(a) regulation 2;

(b) regulation 3 so far as it revokes regulation 4 of, and the Schedule to, the Marriage (Authorised Persons) Regulations 1952.

(4) These Regulations extend to England and Wales.

Manner and time of certification under section 43(1) of the Marriage Act 1949

2.—(1) This regulation applies for the purposes of section 43(1) of the Marriage Act 1949 (appointment of authorised persons for certain buildings and chapels registered for solemnization of marriage)(**c**).

(2) The prescribed manner in which the name and address of a person authorised under that section are to be certified is by sending a written notice of the name and address to the required recipients which—

(**a**) 1949 c. 76 (12 & 13 Geo 6). Section 43(1) was amended by paragraph 10(3) and (4) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30) and is applied by section 70(1)(b) of the Marriage Act 1949 in relation to chapels registered under section 70, with the modification made by Part 4 of Schedule 4 to that Act. Section 70 was amended by section 6(3) of, and paragraph 18 of Schedule 7 to, the Marriage (Same Sex Couples) Act 2013. Section 74 was amended by Schedule 2 to the Registration Service Act 1953 (c. 37) and by paragraph 5(1)(d) of Schedule 2 to the Transfer of Functions (Registration) Order 2008 (S.I. 2008/678) and was subsequently renumbered as section 74(1) by article 12 of the Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821). Section 74(1) was amended by paragraph 19 of Schedule 15 to the Immigration Act 2016 (c. 19).

(**b**) S.I. 1952/1869, amended by S.I. 2021/411; there are other amendments but they are not relevant to these Regulations.

(**c**) The functions of the Admiralty under section 43(1) of the Marriage Act 1949, as applied in relation to chapels registered under section 70 with the modification made by Part 4 of Schedule 4, were transferred to the Secretary of State by the Defence (Transfer of Functions) Act 1964 (c. 15).

(a) includes the information required by paragraph (4), and

(b) is signed by each of the persons certifying that name and address or, in the case of certification by a governing body, by each member of the governing body.

(3) The prescribed time within which the person's name and address are to be certified is the period ending at the end of the day after the day on which the person is authorised.

(4) The information required by this paragraph is—

(a) the name and address of the registered building or chapel in respect of which the person is authorised,

(b) the date on which the person was authorised,

(c) the reference number allocated to the registered building or chapel by the Registrar General, and

(d) the name and address of each person required to sign the notification under paragraph (2)(b).

(5) In paragraph (2) the "required recipients" are the persons to whom section 43(1) of the Marriage Act 1949 requires the name and address of the person authorised under that section to be certified.

Amendments to the Marriage (Authorised Persons) Regulations 1952

3. Regulations 3, 4, 5 and 9(1) of, and the Schedule to, the Marriage (Authorised Persons) Regulations 1952 are revoked.

Given under my hand on 29th April 2021

Abi Tierney
Registrar General

I approve

Kevin Foster
Parliamentary Under Secretary of State
Home Office

29th April 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the authorisation of persons to be present at the solemnization of marriages in certain buildings and chapels registered for the solemnization of marriages under the Marriage Act 1949 ("the Act"). The provision made by these Regulations replaces provision made by the Marriage (Authorised Persons) Regulations 1952 ("the 1952 Regulations").

Under section 43 of the Act, persons may be authorised to be present at the solemnization of marriages in a building registered for the solemnization of marriages under section 41. Section 43 is also applied by section 70 of the Act, with modifications, in relation to naval, military and air force chapels registered for the solemnization of certain marriages. Authorised persons have functions under the Act in relation to the solemnization and registration of marriages. Section 43 requires the name and address of a person authorised under that section to be certified to the Registrar General and the district's superintendent registrar within the time, and in the manner, prescribed by regulations. Regulation 2 prescribes the time and manner in which such certification is to be made.

Regulation 3 revokes provisions of the 1952 Regulations. Amendments have also been made to those Regulations by the Registration of Marriages Regulations 2021 (S.I. 2021/411) in

connection with amendments made to the Act by those Regulations. As a result of these two sets of amendments, only regulations 1 and 2 of the 1952 Regulations (citation, commencement and interpretation) remain in place, subject to savings made by the Registration of Marriages Regulations 2021. Those remaining provisions are required for the purposes of those savings.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

http://www.legislation.gov.uk/id/uksi/2021/539

ISBN 978-0-34-822317-0

