



**Isle of Man**

*Ellan Vannin*

**AT 13 of 1984**

**MARRIAGE ACT 1984**





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## MARRIAGE ACT 1984

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**Isle of Man***Ellan Vannin*

## MARRIAGE ACT 1984

*Received Royal Assent:* 18 May 1984  
*Passed:* 10 July 1984  
*Commenced:* 1 January 1985

**AN ACT** to consolidate with amendments certain enactments relating to the solemnization and registration of marriage; and for connected purposes.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### PART I – RESTRICTIONS ON MARRIAGE

#### 1 Marriage within prohibited degrees

[P2004/33/3 & SI 2007/438]

- (1) A marriage solemnized between two people is void if —
  - (a) [Repealed]<sup>1</sup>
  - (b) either of them is lawfully married; or
  - (c) one of them falls within the list in paragraph 1 of Schedule 1 in relation to the other.
- (2) A marriage solemnised between two people is void if one of them falls within the list in paragraph 2 of that Schedule in relation to the other, unless —
  - (a) they have both attained the age of 21 at the time of the marriage; and
  - (b) the younger has not at any time before attaining the age of 18 been a child of the family in relation to the older.
- (3) If it appears to the Council of Ministers to be expedient, in the light of any amendment to, or re-enactment of, the provisions of the Marriage Act 1949 (of Parliament) relating to the prohibited degrees of relationship referred to in subsection (1)(c), to amend this section or Schedule 1 to this Act, it may by order make those amendments.

- (4) An order under subsection (3) may contain such incidental, consequential, supplemental and transitional provisions, including amendments to other enactments, as the Council of Ministers thinks appropriate.
- (5) For the purposes of subsection (1)(a) the gender of a person in respect of whom a full gender recognition certificate has been issued is the acquired gender within the meaning of the *Gender Recognition Act 2009*.<sup>2</sup>

## 2 Marriages of persons under 16

[P1949/76/2; 1976/14/11]

A marriage solemnized between persons either of whom is under the age of 16 shall be void.

## 3 Marriages of persons under 18

[P1949/76/3; 1971/26/2]

- (1) Where the marriage of a minor, not being a surviving spouse or civil partner, is intended to be solemnized on the authority of a certificate of a registrar under Part III, the consent of the following persons is required —
  - (a) subject to paragraphs (b) to (d), each parent (if any) of the minor who has parental responsibility for him, and each guardian (if any) of the minor;
  - (b) where a residence order is in force with respect to the minor, the person or persons with whom he lives or is to live in accordance with the order (instead of the consents required by paragraph (a));
  - (c) where a care order is in force with respect to the minor, the authority in whose care he is by virtue of the order (as well as the consents required by paragraph (a));
  - (d) where neither paragraph (b) nor paragraph (c) applies but a residence order was in force with respect to the minor immediately before he reached the age of 16, the person or persons with whom he lived or was to live in accordance with the order (instead of the consents required by paragraph (a)).<sup>3</sup>
- (2) If a registrar is satisfied that the consent of any person whose consent is so required cannot be obtained —
  - (a) by reason of absence or inaccessibility; or
  - (b) by reason of his being under any disability;the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required.<sup>4</sup>
- (3) If the Chief Registrar is satisfied as mentioned in subsection (2) and there is no other person whose consent is required, the Chief Registrar may



dispense with the necessity of obtaining any consent, or the High Court may consent to the marriage.

- (4) If any person whose consent is required under subsection (1) refuses his consent, the High Court may consent to the marriage.
- (5) The consent of the High Court under subsection (3) or (4) shall have the same effect as if it had been given by the person whose consent cannot be obtained, or is refused, as the case may be.
- (6) Subsections (1) to (5) apply to marriages intended to be solemnized in accordance with Part II, with the substitution, for references to a registrar —
  - (a) of references to the Bishop, Vicar General or surrogate, in the case of a marriage intended to be solemnized on the authority of a common licence; or
  - (b) of references to the cleric solemnizing the marriage, in the case of a marriage intended to be solemnized after the publication of banns;<sup>5</sup>

and, for references to the Chief Registrar, of references to the Bishop or the Vicar General.<sup>6</sup>

- (7) Where the marriage of a minor, not being a widower or widow, is intended to be solemnized after the publication of banns and any person specified in subsection (1) openly and publicly declares or causes to be declared, in the church or chapel in which the banns are published, at the time of publication, his dissent from the intended marriage, the publication of banns shall be void.<sup>7</sup>
- (8) Subsection (1) applies to marriages intended to be solemnized on the authority of a licence under Part IV, and if a Deemster is satisfied that the consent of any person whose consent is so required cannot be obtained —
  - (a) by reason of absence or inaccessibility; or
  - (b) by reason of his being under any disability;the Deemster may dispense with the necessity for the consent of that person.
- (9) Where for the purpose of obtaining a licence for marriage under Part II or a certificate for marriage under Part III a person declares under section 13 or 20 that the consent of any person or persons whose consent to the marriage is required under subsection (1) has been given, the Bishop, Vicar General or surrogate, or a registrar, as the case may be, may refuse to grant or issue the same unless satisfied by production of written evidence that the consent of that person or those persons has been obtained.<sup>8</sup>

- (10) Applications to the High Court under this section shall be heard in chambers.
- (11) Nothing in this section shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.
- (12) In this section —  
“care order”, in relation to a minor, means any order made by a court in the Island placing the minor in the care of a public authority;  
“parental responsibility” and “residence order” have the same meanings as in the *Family Law Act 1991*.<sup>9</sup>

#### **4 When marriages, other than Church of England marriages, may be solemnized**

- (1) A marriage may be solemnized at any time authorised by the person officiating.
- (2) Nothing in this section applies to a marriage according to the rites of the Church of England.<sup>10</sup>

#### **4A Extension of marriage to same sex couples**

P2013/30/1(1) and (2), (4) and (5)

- (1) Marriage of same sex couples is lawful.
- (2) The marriage of a same sex couple may only be solemnized in accordance with Part III or Part IV.
- (3) Any duty of a member of the clergy to solemnize marriages (and any corresponding right of persons to have their marriages solemnized by members of the clergy) is not extended to same sex couples, despite the amendments made to this Act by the *Marriage and Civil Partnership (Amendment) Act 2016*.

For the purposes of this subsection “a member of the clergy” is a clerk in Holy Orders of the Church of England.<sup>11</sup>

#### **4B Recognition of overseas same sex marriages**

P2013/30/10(1) and (2)

- (1) A marriage under the law of any country or territory outside the Island is not prevented from being recognised under the law of the Island only because it is the marriage of a same sex couple.
- (2) For the purposes of this section it is irrelevant whether the law of a particular country or territory outside the Island —
  - (a) already provides for marriage of same sex couples at the time that this section comes into operation; or
  - (b) provides for marriage of same sex couples from a later time.<sup>12</sup>

**4C Marriage according to religious rites: no compulsion to solemnize etc**

P2013/30/2

- (1) A person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) –
- (a) to undertake an opt-in activity, or
  - (b) to refrain from undertaking an opt-out activity.
- (2) A person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement)–
- (a) to conduct a relevant marriage,
  - (b) to be present at, carry out, or otherwise participate in, a relevant marriage, or
  - (c) to consent to a relevant marriage being conducted,
- where the reason for the person not doing that thing is that the relevant marriage concerns a same sex couple.

- (3) In this section –

“opt-in activity” means an activity of the kind specified in an entry in the first column of the following table which falls to be undertaken for the purposes of any provision of this Act specified in the corresponding entry in the second column;

“opt-out activity” means an activity which reverses, or otherwise modifies, the effect of an opt-in activity.

<b>Activity</b>	<b>Provision</b>
Giving consent	Section 19A(3) Section 19B(2)
Applying for the registration of a building	Section 29A
Giving a certificate or giving a copy of a consent	Section 29A(3) Section 29D(7).

- (4) In this section –

“person”–

- (a) includes a religious organisation;
- (b) does not include a registrar or the Chief Registrar;

“relevant marriage” means a marriage of a same sex couple solemnized in accordance with sections 19A and 19B (marriage in a place of worship or in another place according to religious rites or usages), including any ceremony forming part of, or connected with, the solemnization of such a marriage.<sup>13</sup>

## PART II – MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

### *Preliminary*

#### **5 Methods of authorising marriages**

[P1949/76/5]

A marriage according to the rites of the Church of England may be solemnized –

- (a) after the publication of banns;
- (b) on the authority of a special licence of marriage granted by the Bishop, under his hand and episcopal seal, to marry at any convenient place (in this Act called a “special licence”); or<sup>14</sup>
- (c) on the authority of a licence of marriage (other than a special licence) granted by the Bishop, Vicar General or surrogate (in this Act called a “common licence”).

#### **5A Marriages between certain persons**

[P1949/76/5A and SI 2007/438]

- (1) No cleric shall be obliged to solemnize a marriage falling within subsections (2) to (5).
- (2) A marriage falls within this subsection if, but for satisfying the conditions in section 1(2)(a) and (b), it would be void by virtue of that subsection (marriage of close relatives not void if younger spouse not child of the family of elder).
- (3) A marriage falls within this subsection if one of the parties is a person –
  - (a) whose former marriage or civil partnership has been dissolved on any ground; and<sup>15</sup>
  - (b) whose former spouse or civil partner is still living.<sup>16</sup>
- (4) A marriage falls within this subsection if one of the parties is –
  - (a) the former spouse or civil partner of the other’s parent; or<sup>17</sup>
  - (b) the parent of the other’s former spouse or civil partner.<sup>18</sup>
- (5) A marriage falls within this subsection if one of the parties is a person whose gender the cleric reasonably believes to be the acquired gender within the meaning of the *Gender Recognition Act 2009*.
- (6) No cleric shall be obliged to permit a marriage falling within subsections (2) to (5) to be solemnized in the church or chapel of which the cleric is the incumbent.<sup>19</sup>

*Marriage by banns***6 Place of publication of banns**

[P1949/76/6]

- (1) Subject to the provisions of this Act, where a marriage is intended to be solemnized after the publication of banns, the banns shall be published —
  - (a) if the persons to be married reside in the same parish, in the parish church of that parish;
  - (b) if the persons to be married do not reside in the same parish, in the parish church of each parish in which one of them resides.
- (2) Banns may be published in any parish church or public chapel which is the usual place of worship of the persons to be married or of one of them, whether or not those persons or one of them resides in the parish in which the church or chapel is situated.<sup>20</sup>
- (3) The publication of banns by virtue of subsection (2) shall be in addition to and not in substitution for the publication of banns required by subsection (1).
- (4) If one of the persons to be married is, at the time of publication of banns in the Island, resident in any part of the United Kingdom or the Channel Islands, publication of the banns in any church of the parish or place in which that person is resident, according to the law or custom of that part of the United Kingdom or Channel Islands in which the parish or place is, shall be sufficient compliance with this section as respects that person.
- (5) [Repealed]<sup>21</sup>

**7 Time and manner of publication of banns**

[P1949/76/7]

- (1) Subject to section 9, banns shall be published on 3 Sundays preceding the solemnization of the marriage at the time of divine service.
- (2) Banns shall be published in an audible manner and in accordance with one of the following forms of words —

“I publish the banns of marriage between A.B. of and C.D. of

If any of you know any cause or just impediment why these two persons should not be joined together in holy matrimony, ye are to declare it. This is the first [second or third] time of asking.” or

“I publish the banns of marriage between A.B. of and C.D. of . This is the first [second or third] time of asking. If any of you know any reason in law why these persons may not marry each other, you are to declare it now.”

- (3) Every parochial church council shall provide for each church or chapel in its district in which marriages may be solemnized a register book of banns made of durable materials and marked in the manner directed by section 41(2) for the register book of marriages, and all banns shall be published from the said register book of banns by the officiating cleric, and not from loose papers, and after each publication the entry in the register book shall be signed by the officiating cleric, or by some person under his direction.<sup>22</sup>

## 8 Notice to cleric before publication of banns

[P1949/76/8]

No cleric shall be obliged to publish banns unless the persons to be married, at least 7 days before the date on which they wish the banns to be published for the first time, deliver or cause to be delivered to him a notice in writing, dated on the day on which it is so delivered, stating in the case of each of them, his or her christian name and surname, age and place of residence, the period during which he or she has resided at his or her place of residence, and whether or not he or she has been married before.<sup>23</sup>

## 9 Persons by whom banns may be published

[P1949/76/9]

- (1) Subject to this section and to section 14 of the Marriage Act 1949 (an Act of Parliament), it shall not be lawful for any person other than a cleric to publish banns.<sup>24</sup>
- (2) Where on any Sunday in any church or other building in which banns may be published a cleric does not officiate at the service at which it is usual in that church or building to publish banns, the banns may be published —
- (a) by a cleric at some other service at which banns may be published; or<sup>25</sup>
- (b) by a layman during the course of a public reading authorised by the Bishop of a portion or portions of the service of morning or evening prayer, the public reading being at the hour when the service at which it is usual to publish banns is commonly held or at such other hour as the Bishop may authorise.<sup>26</sup>
- (3) Banns shall not be published by a layman under this section unless the incumbent has made or authorised to be made the requisite entry in the register book of banns of the said church or building.<sup>27</sup>
- (4) Where a layman publishes banns under this section, the layman shall sign the register book of banns provided under section 7, and for that purpose shall be deemed to be the officiating cleric within the meaning of that section.<sup>28</sup>

## 10 Certificates of publication of banns

[P1949/76/11]

- (1) Where a marriage is intended to be solemnized after the publication of banns and the persons to be married do not reside in the same parish, a cleric shall not solemnize the marriage in the parish in which one of those persons resides unless there is produced to him a certificate that the banns have been published in accordance with this Part in the parish in which the other person resides.<sup>29</sup>
- (2) Where a marriage is intended to be solemnized in a church or chapel of a parish in which neither of the persons to be married resides, after the publication of banns therein by virtue of section 6(2), a cleric shall not solemnize the marriage unless there is produced to him —
  - (a) if the persons to be married reside in the same parish, a certificate that the banns have been published in accordance with this Part in that parish; or
  - (b) if the persons to be married do not reside in the same parish, certificates that the banns have been so published in each parish in which one of them resides.<sup>30</sup>
- (3) Any certificate required under this section shall be signed by the incumbent of the building in which the banns were published.<sup>31</sup>

## 11 Solemnization of marriage after publication of banns

[P1949/76/12]

- (1) Subject to this Part, where banns have been published, the marriage shall be solemnized in the church or chapel or, as the case may be, one of the churches or chapels in which the banns have been published.
- (2) Where a marriage is not solemnized within 3 months after the completion of the publication of the banns, that publication shall be void and no cleric shall solemnize the marriage on the authority thereof.<sup>32</sup>

### *Marriage by common licence*

## 12 Places in which marriages may be solemnized by common licence

[P1949/76/15]

Subject to this Part, a common licence shall not be granted for the solemnization of a marriage in any church or chapel other than —

- (a) the parish church of the parish, or a public chapel in the parish, in which one of the persons to be married has had his or her usual place of residence for 15 days immediately before the grant of the licence; or
- (b) a parish church or public chapel which is the usual place of worship of the persons to be married or of one of them.

### 13 Provisions as to common licences

[P1949/76/16]

- (1) The person to whom a notice of application for a common licence is given shall enter the particulars given in the notice, together with the date of the notice and the name of the person by whom it was given, in a book furnished to him for the purpose by the Chief Registrar; and when such a book is filled it shall be delivered to the Chief Registrar.
- (2) A common licence shall not be granted unless one of the persons to be married has made a declaration in writing before a person having authority to grant such a licence —
  - (a) that he or she believes that there is no impediment of kindred or alliance or any other lawful cause, nor any suit commenced in any court, to bar or hinder the solemnization of the marriage in accordance with the licence;
  - (b) that one of the persons to be married has had his or her usual place of residence in the parish in which the marriage is to be solemnized for 15 days immediately before the grant of the licence, or that the parish church or public chapel in which the marriage is to be solemnized is the usual place of worship of those persons or of one of them;
  - (c) where one of the persons to be married is a minor and is not a widower or widow,
    - (i) that the consent of the person or persons whose consent to the marriage is required under section 3 has been obtained,
    - (ii) that the necessity of obtaining any such consent has been dispensed with under that section,
    - (iii) that the High Court has consented to the marriage under that section, or
    - (iv) that there is no person whose consent to the marriage is so required.
- (3) If any caveat is entered against the grant of a common licence, the caveat having been duly signed by or on behalf of the person by whom it is entered and stating his place of residence and the ground of objection on which the caveat is founded, no licence shall be granted until the Bishop, Vicar General or surrogate has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the licence, or until the caveat is withdrawn by the person who entered it.
- (4) Where a marriage is not solemnized within 3 months after the grant of a common licence, the licence shall be void and no cleric shall solemnize the marriage on the authority thereof.<sup>33</sup>





## 14 Licensing of chapels etc

- (1) The Bishop may by licence under his hand and seal authorise the solemnization of marriages in any chapel duly authorised for the celebration of divine service according to the rites of the Church of England, for persons residing in the parish in which the chapel is situated.<sup>34</sup>
- (2) A marriage solemnized in accordance with this Part in a chapel licensed under subsection (1) shall be as valid as if it had been solemnized in the parish church of the parish in which the chapel is situated. .
- (3) If a parish church is disused in consequence of rebuilding or repairs, or for any other cause, the Bishop may direct in writing that banns may be published and marriages solemnized in some neighbouring parish church or chapel instead of that church.

### *Miscellaneous*

## 15 Witnesses, and form of marriage

[P1949/76/22]

All marriages solemnized according to the rites of the Church of England shall be solemnized —

- (a) in the presence of 2 or more witnesses in addition to the cleric by whom the marriage is solemnized; and<sup>35</sup>
- (b) in the form prescribed in the Book of Common Prayer, or in any other form for the time being authorised by Canon under the Church of England (Worship and Doctrine) Measure 1974 (a Measure of the General Synod).

## 16 Proof of residence

[P1949/76/24]

- (1) Where any marriage has been solemnized after the publication of banns, it shall not be necessary in support of the marriage to give any proof of the residence of the parties or either of them in any parish in which the banns were published, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.
- (2) Where any marriage has been solemnized on the authority of a common licence, it shall not be necessary in support of the marriage to give any proof that the usual place of residence of one of the parties was for 15 days immediately before the grant of the licence in the parish in which the marriage was solemnized, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.

## 17 Void marriages

P1949/76/25 as amended by P2013/30/Sch7 para 4

- (1) A marriage is void in any of the following cases.
- (2) Case A is where any persons knowingly and wilfully intermarry according to the rites of the Church of England (otherwise than by a special licence)—
  - (a) in any place other than a church or other building in which banns may be published;
  - (b) without banns having been duly published, a common licence having been obtained or certificates having been duly issued by a registrar to whom due notice of marriage has been given; or
  - (c) on the authority of—
    - (i) a publication of banns which is void by virtue of section 3(7) or section 11(2),
    - (ii) a common licence which is void by virtue of section 13(4);
    - (iii) a registrar's certificate which is void by virtue of section 26(2);
- (3) Case B is where any persons knowingly and wilfully consent to, or acquiesce in, the solemnization of a Church of England marriage between them by a person who is not in Holy Orders.
- (4) Case C is where any persons of the same sex knowingly and wilfully consent to or acquiesce in a Church of England marriage between them.
- (5) In this section "Church of England marriage" means a marriage according to the rites of the Church of England.<sup>36</sup>

## 18 Usual places of worship

- (1) For the purposes of this Part a parish church or public chapel shall be deemed to be the usual place of worship of any person if, and only if, that person is enrolled on the church electoral roll of the parish in which that church or chapel is situated.<sup>37</sup>
- (2) Persons intending to be married shall have the like but no greater right of having their banns published and marriage solemnized by virtue of this Part in a parish church or public chapel which is the usual place of worship of one or both of them as they have of having their banns published and marriage solemnized in the parish church or public chapel of the parish in which they or one of them resides.
- (3) Where any marriage has been solemnized by virtue of this Part it shall not be necessary in support of the marriage to give any proof of the actual enrolment of the parties or of one of them on the church electoral roll of the parish in which the parish church or public chapel in which the marriage was solemnized was situated, nor shall any evidence be

given to prove the contrary in any proceedings touching the validity of the marriage.

- (4) In this section “church electoral roll”, in relation to a parish, means the church electoral roll constituted for the parish in accordance with the Church Representation Rules, as they have effect in the Island.<sup>38</sup>

## PART III – MARRIAGE UNDER REGISTRAR’S CERTIFICATE

### *Issue of certificates*<sup>39</sup>

#### **19 Marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary**

P1949/76/26 (as substituted by P2013/30/3) and 1984/13/19 Sch 1, para 8(2)

- (1) The following marriages may be solemnized on the authority of a certificate of a registrar –
- (a) a marriage of a man and a woman, in a registered building, according to such form and ceremony as the persons to be married see fit to adopt;
  - (b) a marriage of any couple in the office of a registrar;
  - (c) a marriage of any couple in an approved place;
  - (d) a marriage of any couple in any other place in the Island but only with the consent of the owner of the place;
  - (e) a marriage of any couple in (or over) the Island or its territorial waters aboard an approved aircraft, vehicle or vessel;
  - (f) a marriage of any couple in (or over) the Island or its territorial waters aboard an aircraft, vehicle or vessel which is not approved, but only with the consent of the owner of the aircraft, vehicle or vessel; or
  - (g) a qualifying residential marriage.
- (2) A marriage may only take place in accordance with paragraphs (c) to (f) of subsection (1) with the consent of the Chief Registrar which must be given or withheld in accordance with guidance under subsection (3).
- (3) The Clerk of the Rolls must issue guidance about the factors and circumstances to be taken into account by the Chief Registrar in determining whether –
- (a) to approve a place, aircraft, vehicle or vessel under subsection (1); or
  - (b) to give consent under subsection (2).

- (4) The guidance must be framed so as to secure that the Chief Registrar's approval or consent is not unreasonably withheld, and shall be laid before Tynwald as soon as practicable after it is made.
- (5) The Chief Registrar must secure that the guidance issued under subsection (3) is available to members of the public.
- (6) An appeal lies to the High Bailiff against any refusal by the Chief Registrar —
  - (a) to approve a place, an aircraft, vehicle or a vessel under subsection (1); or
  - (b) to give consent under subsection (2) to the manner in which it is proposed a marriage ceremony should take place.
- (7) The High Bailiff's decision under subsection (6) is final.
- (8) In this section —

“approved” means approved by the Chief Registrar;

“qualifying residential marriage” means —

- (a) the marriage of a man and a woman one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons, or
- (b) the marriage of a same sex couple (other than a marriage according to the rites of the Church of England or other religious rites or usages), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons.<sup>40</sup>

Note: Section 20A and 20B make further provision about qualifying residential marriages.

## **19A Opt-in to marriage of same sex couples: places of worship**

P1949/76/26A

- (1) A marriage of a same sex couple in an appropriately registered building according to such form and ceremony as the persons to be married see fit to adopt may be solemnized on the authority of a certificate of a registrar.
- (2) For the purposes of this section “appropriately registered building” means a building which has been registered under section 29A.
- (3) An application for registration of a building under section 29A may not be made unless the relevant governing authority has given written consent to marriages of same sex couples.
- (4) For that purpose, in relation to a building—

“relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;

“relevant religious organisation” means the religious organisation for whose religious purposes the building is used.

- (5) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the rites of the Church of England.
- (6) This section is subject (in particular) to sections 29D and 29E (which modify this Act in relation to the registration of shared buildings within the meaning of the Sharing of Church Buildings Act 1969 (of Parliament) as it applies in the Island) and to regulations made under section 29C as they apply to such buildings.<sup>41</sup>

### **19B Opt-in to marriage of same sex couples: other religious ceremonies**

P1949/76/26B (1), (6) and(7)

- (1) A marriage may be solemnized on the authority of a registrar’s certificate in the circumstances set out in subsection (2).
- (2) The circumstances are that—
  - (a) the marriage is of a same sex couple according to religious rites or usages (other than the rites of the Church of England),
  - (b) one or each of the couple is house-bound or a detained person,
  - (c) the marriage is at the usual place of residence of the house-bound or detained person or persons, and
  - (d) the relevant governing authority has given written consent to marriages of same sex couples according to those religious rites or usages.
- (3) For that purpose—

“relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;

“relevant religious organisation” means the religious organisation according to whose rites or usages the marriage is to be solemnized.<sup>42</sup>

## **20 Notice of marriage**

[P1949/76/27]

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a registrar, the persons to be married shall give notice of marriage in the prescribed form.<sup>43</sup>
- (2) [Repealed]<sup>44</sup>
- (3) A notice of marriage shall state —

- (a) the name and surname, occupation, place of residence and nationality of each of the persons to be married, whether either of them has previously been married or formed a civil partnership and, if so, how the marriage or civil partnership ended;<sup>45</sup>
  - (b) if the marriage is to be solemnized –
    - (i) in accordance with paragraph (a), (b), (c) or (d) of section 19(1), where it is to be solemnized; or
    - (ii) in accordance with paragraph (e) or (f) of section 19(1), particulars of the aircraft, vehicle or vessel aboard which it is to be solemnized; and
  - (c) the period, not being less than 7 clear days, during which each of the persons to be married has resided in his or her place of residence.<sup>46</sup>
- (3A) Nothing in subsections (1) to (3) limits the operation of section 27.<sup>47</sup>
- (4) The registrar shall file all notices of marriage and keep them with the records of his office, and shall also forthwith enter the particulars given in every such notice, together with the date of the notice and the name of the person by whom it was given, in a book (in this Act called “the marriage notice book”) furnished to him for that purpose by the Chief Registrar, and the marriage notice book shall be open for inspection free of charge at all reasonable hours.
- (5) The prescribed fee shall be paid to the registrar for every entry made in the marriage notice book under this section.

## 20A House-bound persons

[P1983/32/1]

- (1) This section applies if two people wish to marry each other at the place where one of them is house-bound.
- (2) A person is house-bound at any place if, in relation to that person, a statement is made by a registered medical practitioner that, in that practitioner’s opinion –
  - (a) because of illness or disability, that person ought not to move or be moved from the place where he is at the time when the statement is made; and
  - (b) it is likely to be the case for at least the following 3 months that because of the illness or disability that person ought not to move or be moved from that place.
- (3) The procedure under which the two people concerned may marry each other is the same as that set out in section 20, except that –
  - (a) the notice of marriage may be given by only one of the persons to be married;

- (b) that notice must be accompanied by a statement under subsection (2) (“a medical statement”) in respect of the person to whom subsection (2) applies, which must have been made not more than 14 days before the day on which the notice is recorded; and
  - (c) the registrar to whom the notice is given must record the receipt of the medical statement in such manner as may be prescribed.
- (4) A medical statement must contain such information and must be made in such manner as may be prescribed.
  - (5) A medical statement may not be made in relation to a person who is detained as described in section 20B(2).<sup>48</sup>

## 20B Detained persons

[P1983/32/1]

- (1) This section applies if two persons wish to be married at the place where one of them is detained.
- (2) “Detained” means detained —
  - (a) as a patient in a hospital (but otherwise than by virtue of section 2, 4, 5, 36 or 132 of the *Mental Health Act 1998* (short term detentions)), or
  - (b) in an institution designated by an order under section 11(2) of the *Custody Act 1995*.
- (3) The procedure under which the two persons concerned may be married is the same as that set out in section 20, except that —
  - (a) the notice of marriage may be given by one of the persons to be married;
  - (b) the notice of marriage must be accompanied by a supporting statement, which must have been made not more than 21 days before the day on which the notice is recorded; and
  - (c) the registrar to whom notice is given must record the receipt of the supporting statement in such manner as may be prescribed.
- (4) A supporting statement, in relation to a detained person, is a statement made by the responsible authority which —
  - (a) identifies the establishment where the person is detained; and
  - (b) states that the responsible authority has no objection to that establishment being specified in a notice of marriage as the place at which the person is to be married.
- (5) A supporting statement must contain such information and must be made in such manner as may be prescribed.
- (6) “The responsible authority” means —

- (a) if the person is detained in a hospital, the hospital's managers;
  - (b) if the person is detained in an institution specified by order under section 11(2) of the *Custody Act 1995*, the governor or other officer for the time being in charge of that institution.
- (7) "Patient" and "hospital" have the same meaning as in Part 2 of the *Mental Health Act 1998* and "managers", in relation to a hospital, has the same meaning as in section 138(1) of that Act.<sup>49</sup>

## 21 Declaration to accompany notice of marriage

[P1949/76/28]

- (1) No certificate for marriage shall be issued by a registrar unless the notice of marriage is accompanied by a solemn declaration in writing, in the body or at the foot of the notice, made and signed at the time of the giving of the notice by the person or persons by whom the notice is given and attested as mentioned in subsection (2) —
- (a) that they believe, or if section 20A or 20B applies, he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the marriage;<sup>50</sup>
  - (b) [Repealed]<sup>51</sup>
  - (c) [Repealed]<sup>52</sup>
  - (d) where one of the persons to be married is a minor and is not a widower or widow,
    - (i) that the consent of the person or persons whose consent to the marriage is required under section 3 has been obtained;
    - (ii) that the necessity of obtaining any such consent has been dispensed with under that section;
    - (iii) that the High Court has consented to the marriage under that section; or
    - (iv) that there is no person whose consent to the marriage is so required.<sup>53</sup>
- (2) Any such declaration shall be signed by the person or persons giving the notice of marriage in the presence of the registrar to whom the notice is given, and the registrar shall attest the declaration by adding thereto his name and official description.<sup>54</sup>

### 21A Power to require evidence

- (1) A registrar to whom notice of marriage is given under section 20, 20A or 20B may require either of the persons to be married to provide the registrar with specified evidence relating to each of the persons to be married.



- (1A) In the case of an intended marriage to which section 19B would apply, the registrar to whom notice of the marriage is given may require the relevant governing authority to produce evidence relating to the consent mentioned in section 19B(2)(d).<sup>55</sup>
- (2) Such a requirement may be imposed at any time —
- (a) on or after the giving of the notice of marriage; but
  - (b) before the registrar issues his or her certificate under section 24.
- (3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Chief Registrar —
- (a) of the person’s name and surname;
  - (b) of the person’s age;
  - (c) as to whether the person has previously been married or formed a civil partnership and, if so, as to the ending of the marriage or civil partnership;<sup>56</sup>
  - (d) of the person’s nationality; and
  - (e) of the person’s gender.<sup>57</sup>

## **21B Additional evidence required in certain cases**

P1949/76/27A

- (1) This section applies in relation to any marriage intended to be solemnized at a person’s residence in pursuance of section 19(1)(g) or 19B(2) of this Act, and in the following provisions of this section that person is referred to as “the relevant person”.
- (2) Where the relevant person is not a detained person, each notice of marriage required by section 20 must be accompanied by a medical statement relating to that person made not more than fourteen days before the date on which the notice is given.
- (3) Where the relevant person is a detained person, each notice of marriage required by section 20 of this Act must be accompanied by a statement made in the prescribed form by the responsible authority not more than twenty-one days before the date on which notice of the marriage is given under section 20—
- (a) identifying the establishment where the person is detained; and
  - (b) stating that the responsible authority has no objection to that establishment being specified in the notice of marriage as the place where that marriage is to be solemnized.
- (4) Each person who gives notice of the marriage to the registrar in accordance with section 20 must give the registrar the prescribed particulars, in the prescribed form, of the person by or before whom the marriage is intended to be solemnized.

(5) The fact that a registrar has received a statement under subsection (2) or (as the case may be) (3) of this section must be entered in the marriage notice book together with the particulars given in the notice of marriage and any such statement together with the form received under subsection (4) of this section must be filed and kept with the records of the registrar's office.

(6) In this section—

“medical statement”, in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in that practitioner's opinion at the time the statement is made—

- (a) by reason of illness or disability, he or she ought not to move or be moved from the place where he or she is at that time, and
- (b) it is likely that it will be the case for at least the following three months that by reason of the illness or disability he or she ought not to move or be moved from that place; and

“responsible authority” means—

- (a) if the person is detained in a hospital (within the meaning of Part II of the *Mental Health Act 1998*), the managers of that hospital (within the meaning of section 138(1) of that Act); or
- (b) if the person is detained in an institution or other place to which the *Custody Act 1995* applies, the governor or other officer for the time being in charge of that institution or other place.<sup>58</sup>

## 22 Caveat against issue of certificate<sup>59</sup>

[P1949/76/29]

- (1) Any person may enter a caveat with the registrar against the issue of a certificate for the marriage of any person named therein.<sup>60</sup>
- (2) If any caveat is so entered, the caveat having been signed by or on behalf of the person by whom it was entered and stating his place of residence and the ground of objection on which the caveat is founded, no certificate shall be issued until the Chief Registrar has examined into the matter of the caveat and is satisfied that it ought not to obstruct the issue of the certificate, or until the caveat has been withdrawn by the person who entered it.<sup>61</sup>
- (3) Any person who enters a caveat against the issue of a certificate on grounds which the Chief Registrar declares to be frivolous and to be such that they ought not to obstruct the issue of the certificate shall be liable for the costs of the proceedings and for damages, recoverable by the person against whose marriage the caveat was entered.<sup>62</sup>
- (4) For the purpose of any proceedings to recover any costs and damages under subsection (3), a copy of the declaration of the Chief Registrar shall be evidence that the Chief Registrar has declared the caveat to have been

entered on grounds which are frivolous and such that they ought not to obstruct the issue of the certificate.<sup>63</sup>

## 23 Forbidding of issue of certificate

[P1949/76/30]

- (1) Any person whose consent to a marriage intended to be solemnized on the authority of a certificate of a registrar is required under section 3 may forbid the issue of such a certificate by writing, at any time before the issue of the certificate, the word “forbidden” opposite to the entry of the notice of marriage in the marriage notice book, and by subscribing thereto his name and place of residence and the capacity, in relation to either of the persons to be married, in which he forbids the issue of the certificate.
- (2) Where the issue of a certificate has been so forbidden then, unless the Chief Registrar certifies that the objection is frivolous and ought not to obstruct the issue of the registrar’s certificate, the notice of marriage and all proceedings thereon shall be void.
- (3) Where, by virtue of section 3(4), the High Court has consented to a marriage and the consent of the Court has the same effect as if it had been given by a person whose consent has been refused, that person shall not be entitled to forbid the issue of a certificate for that marriage under this section, and the notice of marriage and the proceedings thereon shall not be void by virtue of this section.

## 24 Marriage under certificate<sup>64</sup>

[P1949/76/31]

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a registrar, the registrar shall, subject to section 3(9), at the expiration of the period of 7 clear days from the entry of notice of marriage in the marriage notice book, on the request of the person by whom the notice of marriage was given, issue a certificate in the prescribed form unless —
  - (a) any lawful impediment to the issue of the certificate has been shown to the satisfaction of the registrar; or
  - (b) the issue of the certificate has been forbidden under section 23 by any person authorised in that behalf.<sup>65</sup>
- (2) Every such certificate shall set out the particulars contained in the notice of marriage and the day on which the notice was entered in the marriage notice book and shall contain a statement that the issue of the certificate has not been so forbidden.
- (3) No marriage shall be solemnized on the authority of a certificate of a registrar until after the expiration of the said period of 7 clear days.<sup>66</sup>

- (4) The prescribed fee shall be paid to the registrar for every certificate issued by him under this section.<sup>67</sup>

**25 [Repealed]<sup>68</sup>**

**26 Period of validity of certificate<sup>69</sup>**

[P1949/76/33]

- (1) A marriage may be solemnized on the authority of a certificate of a registrar at any time within 12 months from the day on which the notice of marriage was entered in the marriage notice book.<sup>70</sup>
- (2) If the marriage is not solemnized within the said period of 12 months, the notice of marriage and the certificate shall be void, and no person shall solemnize the marriage on the authority thereof.<sup>71</sup>

**27 Party resident in United Kingdom or Channel Islands; and marriages abroad**

[P1915/40/1]

- (1) Where a marriage is intended to be solemnized in the Island on the authority of a certificate of a registrar between a Commonwealth citizen resident in the United Kingdom or the Channel Islands and a Commonwealth citizen resident in the Island, the publication of banns or a certificate of notice of marriage issued in accordance with the law of the place where the first-named person is resident shall have the same effect as a certificate for marriage issued by a registrar in the Island.
- (2) Where a marriage is intended to be solemnized in the United Kingdom or the Channel Islands between a Commonwealth citizen resident in the United Kingdom or the Channel Islands and a Commonwealth citizen resident in the Island, a registrar may issue a certificate for marriage in the place where the second-named person resides in like manner as if the marriage were to be solemnized under circumstances requiring the issue of such a certificate in the Island, and as if both parties were resident in the Island.
- (3) Where a Commonwealth citizen resident in the Island desires, for the purpose of being married abroad under the provisions of the Foreign Marriage Acts 1892 to 1947 (Acts of Parliament), to give notice of marriage in the Island, notice may be given by such person to a registrar, in like manner as if the marriage were to be solemnized in the Island, and the registrar shall deal with the notice and give a certificate for marriage in like manner, and on payment of the like fees, as for a marriage in the Island.<sup>72</sup>

**28 Forms of certificates to be furnished by Chief Registrar**

[P1949/76/40]

The Chief Registrar shall furnish to every registrar a sufficient number of forms of certificates for marriage.<sup>73</sup>

*Marriages in registered buildings***29 Registration of buildings: marriage of a man and a woman<sup>74</sup>**

[P1949/76/41]

- (1) Any proprietor or trustee of a building used as a place of religious worship may apply to the Chief Registrar for the building to be registered for the solemnization of marriages therein.<sup>75</sup>
- (1A) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a man and a woman.<sup>76</sup>
- (2) A person making an application under subsection (1), shall pay to the Chief Registrar the prescribed fee, and shall deliver to the Chief Registrar a certificate, signed by at least 20 residents of the Island, stating —
  - (a) that the building has been used by them for the last 12 months as their usual place of public religious worship; and
  - (b) that they desire that the building should be registered under this section.<sup>77</sup>
- (3) If the Chief Registrar is satisfied as to the matters stated in the certificate under subsection (2) he shall register the building in a book to be kept for that purpose in the General Registry, and shall —
  - (a) give a certificate of the registration signed by him to the proprietor or trustee by whom the application under subsection (1) was made; and
  - (b) give public notice of the registration of the building by advertisement in some newspaper published and circulating in the Island.

**29A Registration of buildings: marriage of same sex couples**

P1949/76/43A

- (1) Any proprietor or trustee of a building used as a place of religious worship may apply to the Chief Registrar for the building to be registered under this section for the solemnization of marriages of same sex couples.
- (2) Any application for registration of a building under this section is to be made—
  - (a) by a proprietor or trustee of the building;
  - (b) to the Chief Registrar.

- (3) An application for registration of a building under this section must be accompanied by—
  - (a) a certificate, given by the applicant and dated not earlier than one month before the making of the application, that the persons who are the relevant governing authority in relation to the building have given written consent to marriages of same sex couples as mentioned in section 19A(3),
  - (b) a copy of that consent, and
  - (c) the prescribed fee.
- (4) If the building is already registered under section 29, the application must be accompanied by the Chief Registrar's certificate under section 29(3), and if it is not so registered the application must be accompanied by the signed certificate mentioned in section 29(2).
- (5) If satisfied by the evidence furnished under subsections (3) and (4) that it is proper to do so, the Chief Registrar must—
  - (a) give a certificate of the registration signed by the Chief Registrar to the person who made the application under subsection (1); and
  - (b) give public notice of the registration of the building by advertisement in some newspaper published and circulating in the Island.
- (6) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.<sup>78</sup>

## **29B Cancellation of registration under section 29A**

P1949/76/43C

- (1) The registration of a building under section 29A may be cancelled under this section.
- (2) Any application under this section is to be made—
  - (a) by a proprietor or trustee of the building;
  - (b) to the Chief Registrar;
- (3) An application under this section must be accompanied by the prescribed fee.
- (4) If subsections (2) and (3) are satisfied, the Chief Registrar must cancel the registration of the building.
- (5) This section is subject (in particular) to sections 29D and 29E (registration of shared buildings for marriage of same sex couples).<sup>79</sup>

## **29C Regulations about section 29 to 29B**

P1949/76/43D

- (1) The Clerk of the Rolls may make regulations about the procedures to be followed —
  - (a) on registration applications; and
  - (b) on cancellation applications.
- (2) The Clerk of the Rolls may make —
  - (a) regulations modifying the application of section 29 in relation to buildings that are already registered under section 29A;
  - (b) regulations about cases where a person makes applications under sections 29 and 29A, or gives or certifies authorisations under section 29A, in respect of the same building at the same time (including provision modifying any requirement imposed by any of those sections or by regulations under subsection (1) of this section).
- (3) In this section—

“cancellation application” means an application under section 29B for the cancellation of the registration of a building;

“registration application” means an application under section 29A for the registration of a building.<sup>80</sup>

*Registration of shared buildings for marriages of same sex couples*<sup>81</sup>

## **29D Registration of church buildings subject to sharing agreements for same sex marriages**

P1949/76/44A

- (1) This section applies to a registration application relating to a building that is subject to a sharing agreement, within the meaning of the Sharing of Church Buildings Act 1969 (of Parliament) as that Act applies in the Island by virtue of the *Sharing of Church Buildings Act 1986*.
- (2) The registration application must be made in accordance with 29A (as read with section 19A(3)).
- (3) But those provisions have effect subject to the following provisions of this section.
- (4) Each of the sharing Churches is a relevant religious organisation for the purposes of section 19A(3).
- (5) A consent given under section 19A(3) (a “**consent to marriages of same sex couples**”) by the relevant governing authority of any of the sharing Churches is therefore sufficient for the registration application to be made in compliance with section 19A (and references to the consent of the relevant governing authority in section 29A are to be read accordingly).

- (6) But the registration application may not be made unless the relevant governing authorities of each of the sharing churches (other than those which have given consents to marriages of same sex couples) have given a separate written consent to the use of the shared building for the solemnization of marriages of same sex couples (a “consent to use”).
- (7) The registration application must also be accompanied by —
  - (a) a certificate, given by the applicant and dated not more than one month before the making of the application, that the relevant governing authorities mentioned in subsection (6) have given written consents to use, and
  - (b) copies of those consents.
- (8) The Chief Registrar must not register the shared building unless and until the requirements of section 29A have been complied with.
- (9) In this section and in section 29E —
  - (a) “the 1969 Act” means the Sharing of Church Buildings Act 1969 (of Parliament) as that Act applies in the Island by virtue of the *Sharing of Church Buildings Act 1986*, and
  - (b) terms defined in the 1969 Act have the same meaning as they have in that Act.
- (10) The Clerk of the Rolls may make regulations containing such provision supplementing this section as the Clerk of the Rolls thinks appropriate.<sup>82</sup>

## **29E Church buildings subject to sharing agreements: cancellation of registration under section 29A**

P1949/76/44B

- (1) This section applies to a cancellation application relating to a building that is subject to a sharing agreement.
- (2) The cancellation application must be made in accordance with section 29B.
- (3) But section 29B has effect subject to the following provisions of this section.
- (4) The cancellation application may be made either —
  - (a) by a proprietor or trustee of the building, or
  - (b) by the relevant governing authority of any of the sharing Churches.
- (5) For that purpose, in relation to a sharing Church, “**relevant governing authority**” means the person or persons recognised by the members of the sharing Church as competent for the purpose of making an application under section 29B in the circumstances to which this section applies.



- (6) In a case where the cancellation application is made by a relevant governing authority in accordance with subsection (4)(b) the application must be accompanied by a certificate, given by persons making the application, that they are the relevant governing authority of one of the sharing Churches.
- (6A) Where a sharing Church withdraws from the sharing of a church building which is registered under section 29D, and the building continues to be used by another Church other than the Church of England, the withdrawal does not of itself cause the registration to be cancelled.<sup>83</sup>
- (7) The Clerk of the Rolls may make regulations containing such provision supplementing this section as the Clerk of the Rolls thinks appropriate.<sup>84</sup>

### **30 Cancellation of registration and substitution of another building**

[P1949/76/42]

- (1) Where the Chief Registrar is satisfied that a registered building is no longer used for the purpose of public religious worship by the congregation on whose behalf it was registered he shall cause the registration to be cancelled.
- (2) Where the Chief Registrar cancels the registration of any building under this section, he shall enter that fact and the date thereof in the book provided for the registration of buildings, and shall certify and publish the cancellation, in the manner provided by section 29(3) in the case of the registration of a building.
- (2A) If the registration of a building is cancelled under this section, any registration of the building under section 29A must also be cancelled by the Chief Registrar.<sup>85</sup>
- (3) Where the registration of any building has been cancelled under this section, it shall not be lawful to solemnize any marriage in the building, unless it has been registered again in accordance with this Part.<sup>86</sup>
- (4) Any proprietor or trustee of a building which is used by the congregation of a building whose registration is cancelled under this section may apply to the Chief Registrar for the alternative building to be registered in substitution for that building.<sup>87</sup>
- (5) A person making an application under subsection (4) shall pay to the Chief Registrar the prescribed fee, and shall deliver to the Chief Registrar a certificate, signed by at least 20 residents of the Island, stating —
  - (a) that the alternative building is used by them as their usual place of public religious worship;<sup>88</sup>
  - (b) that the congregation of the previous building use the building as their usual place of such worship instead of the previous building; and<sup>89</sup>

- (c) that they desire that the alternative building should be registered in substitution for the previous building.<sup>90</sup>
- (6) If the Chief Registrar is satisfied as to the matters stated in the certificate under subsection (5) he must take the steps —
  - (a) mentioned in section 29(3) in relation to an application under section 29(1); or
  - (b) mentioned in section 29A(5) in relation to an application under section 29A(1).<sup>91</sup>

### 31 Solemnization of marriage in registered building

[P1949/76/44]

- (1) Subject to subsections (1A) to (5), where a notice of marriage and certificate issued by a registrar state that a marriage between the persons named therein is intended to be solemnized in a registered building, the marriage may be solemnized in that building according to the usages of the church, denomination or religious body of which the building is a place of public religious worship.<sup>92</sup>
- (1A) No marriage may be solemnized —
  - (a) in a registered building, other than one falling within paragraph (b), without the consent of the minister or one of the trustees, owners, deacons or managers of the building; or
  - (b) in a registered building of the Roman Catholic Church, without the consent of the minister of the registered building.<sup>93</sup>
- (2) A marriage solemnized in a registered building shall be solemnized with open doors in the presence of 2 or more witnesses and in the presence of either —
  - (a) the minister of the registered building; or
  - (b) another minister of the church, denomination or religious body of which the building is a place of public religious worship; or
  - (c) a minister of another church, denomination or religious body having a building registered for the solemnization of marriages therein under section 29 or section 29A.<sup>94</sup>
- (3) Where a marriage is solemnized in a registered building each of the persons contracting the marriage shall, in some part of the ceremony and in the presence of the witnesses and the minister referred to in subsection (2), make the following declaration: —

“I do solemnly declare that I know not of any lawful impediment why I, AB, may not be joined in matrimony to CD”;

and each of them shall say to the other: —

“I call upon these persons here present to witness that I, AB, do take thee, CD, to be my lawful wedded wife [or husband]”.

- (3A) As an alternative to the declaration set out in subsection (3) the persons to be married may make the requisite declaration either —
- (a) by saying “I declare that I know of no legal reason why I [*name*] may not be joined in marriage to [*name*]”; or
  - (b) by replying “I am” to the question put to them successively “Are you [*name*] free lawfully to marry [*name*]?”;
- and as an alternative to the words of contract set out in subsection (3) the persons to be married may say to each other “I [*name*] take you [*or thee*] [*name*] to be my wedded wife [*or husband*].”.<sup>95</sup>
- (3B) The Chief Registrar may specify Manx Gaelic forms of the declarations and the words of contract in subsections (3) and (3A), but if such forms are specified and are used in a ceremony of marriage they must be used in addition to, and not in substitution for, the forms in English.<sup>96</sup>
- (3C) Where one or other of the persons required to make the declarations in subsection (3) or (3A) is unable to speak, the minister referred to in subsection (2) may read the declarations in that subsection (and any Manx Gaelic form specified under subsection (3B) if the parties to be married wish it and the minister is agreeable) on that person’s behalf if the minister obtains from him or her such written or other satisfactory evidence of consent as may be prescribed.<sup>97</sup>
- (4) In this section “minister”, in relation to any church, denomination or religious body, means a person who officiates, teaches or preaches in such church, denomination or body and is reputed or recognised to be a minister of religion.
- (5) A marriage shall not be solemnized in a registered building until duplicate marriage register books have been supplied by the Chief Registrar under Part V to the principal minister or trustees or governing body of the building.

*Marriages in registrars’ offices*

## **32 Solemnization of marriage other than in registered building**

- (1) If a marriage is intended to be solemnized on the authority of a certificate of a registrar, the persons to be married shall state in the notice of marriage whether they wish to be married —
- (a) in a registrar’s office;
  - (b) in a manner authorised by section 19(1)(c) to (f), and if so which of those paragraphs applies; or
  - (c) in the place where one of them is house-bound or detained (see sections 20A and 20B).

- (2) A notice may only be given under subsection (1)(b), with the consent of the Chief Registrar.
- (3) A notice of marriage shall specify —
  - (a) in the case of a marriage taking place on land, where the marriage is to take place;
  - (b) in the case of a marriage taking place aboard an aircraft, vehicle or vessel, such particulars of the aircraft, vehicle or vessel and its proposed itinerary as the registrar may reasonably require.
- (4) Where notice has been given and a certificate issued under subsection (1), the marriage may be solemnized in accordance with the certificate in the presence of 2 witnesses.
- (5) The persons to be married shall make the declarations and use the form of words set out in section 31(3) or (3A), and subsections (3B) and (3C) of that section apply for the purposes of this section as they apply for the purposes of that section with the substitution of “registrar” for “minister” wherever it occurs in subsection (3C).
- (6) Where a marriage is solemnized in a registrar’s office, or any other place which is a building, the doors of the office or building must be open during the marriage ceremony.<sup>98</sup>

### *Miscellaneous*

#### **33 Proof of certain matters not necessary to validity of marriages**

[P1949/76/48]

Where any marriage has been solemnized under the provisions of this Part, it shall not be necessary in support of the marriage to give any proof —

- (a) that before the marriage either of the parties thereto resided, or resided for any period, in the place stated in the notice of marriage to be that of his or her place of residence; or<sup>99</sup>
- (b) that any person whose consent to the marriage was required by section 3 had given his consent;

nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.

#### **34 Void marriages**

[P1949/76/49]

- (1) If any persons knowingly and wilfully intermarry under the provisions of this Part —
  - (a) without having given due notice of marriage to the registrar;
  - (b) without a certificate for marriage having been duly issued by the registrar to whom notice of marriage was given;

- (c) on the authority of a certificate which is void by virtue of section 26(2);
- (d) otherwise than in the place, or manner, specified in the notice of marriage and certificate of the registrar;<sup>100</sup>
- (e) in the case of a marriage in a registered building, in the absence of a minister specified in section 31(2); or
- (f) in a case where a registrar's attendance is required, in the absence of a registrar,<sup>101</sup>

the marriage shall be void.

- (2) This section is subject to section A51.<sup>102</sup>

### **34A Void marriages — additional provision about same sex couples**

P1949/76/49A

- (1) If a same sex couple knowingly and wilfully intermarries under the provisions of this Part of this Act in the absence of the required consent, the marriage shall be void.
- (2) In this section, in relation to a marriage of a same sex couple, "required consent" means consent under—
  - (a) section 19A(3), in a case where section 19A applies to the marriage but section 29D does not;
  - (b) section 19A(3) and section 29D(6), in a case where section 19A and section 29D apply to the marriage;
  - (c) section 19A(3) and under any regulations made under section 29D(10) that require the consent to use of a building for the solemnization of marriages of same sex couples, in a case where section 19A and section 29D apply to the marriage;
  - (d) section 19B(2)(d), in a case where that section applies to the marriage.<sup>103</sup>

### **35 Fees of registrars for attending marriages**

[P1949/76/51]

- (1) The prescribed fee shall be paid to a registrar by persons married under this Part in his presence.
- (2) Where a registrar solemnizes a marriage otherwise than at a registrar's office, the parties to the marriage shall pay to the registrar —
  - (a) a fee of such amount as may be prescribed; and
  - (b) such travelling, subsistence and other expenses (if any) as may be prescribed.<sup>104</sup>

- (3) Any fee and any expenses payable under subsection (2) may be recovered by the registrar concerned from the parties to the marriage concerned as a simple contract debt.<sup>105</sup>

## PART IV – MARRIAGE UNDER LICENCE OF A DEEMSTER

### 36 Marriages which may be solemnized on authority of licence of Deemster

[P1970/34/1]

- (1) Subject to subsection (2), a marriage which may be solemnized on the authority of a certificate of a registrar, other than marriage between a man and a woman according to the rites and ceremonies of the Church of England, may, on the authority of the licence of a Deemster, be solemnized at such place in the Island as is specified in the licence.<sup>106</sup>
- (2) A Deemster may not issue a licence for the solemnization of a marriage unless satisfied that one of the persons to be married is seriously ill and not expected to recover.<sup>107</sup>
- (3) A marriage of a same sex couple according to religious rites or usages may not be solemnized in accordance with this Part of this Act unless the relevant governing authority has given written consent to marriages of same sex couples according to those religious rites or usages.<sup>108</sup>
- (4) For that purpose—

“**relevant governing authority**” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;

“**relevant religious organisation**” means the religious organisation according to whose rites or usages the marriage is to be solemnized.<sup>109</sup>

### 37 Notice of marriage, evidence and caveat

[P1970/34/2-5]

- (1) Where a marriage is intended to be solemnized on the authority of a licence under this Part, notice of marriage shall be given in the prescribed form by either of the persons to be married to a registrar, and the notice shall state the place at which it is intended that the marriage shall be solemnized.<sup>110</sup>
- (2) Sections 20(4) and 21 (except section 21(1)(b)) shall apply to notices of marriage on the authority of a licence under this Part.
- (3) The person giving notice to the registrar under subsection (1) shall produce to the registrar such evidence as the Deemsters generally, or as a Deemster in the particular case, may direct to satisfy him —

- (a) that there is no lawful impediment to the marriage;
  - (b) that the consent of any person whose consent to the marriage is required under section 3 has been given;
  - (c) that there is sufficient reason why a licence should be granted;
  - (d) that the conditions specified in section 36(2) are satisfied; and
  - (e) that the person in respect of whom those conditions are satisfied can and does understand the nature and purport of the marriage ceremony.
- (4) A certificate of a registered medical practitioner shall be sufficient evidence of any or all of the matters referred to in subsection (3)(d) and (e).
  - (5) On receipt of a notice and evidence under subsections (1) and (3), the registrar shall inform a Deemster and shall comply with any directions he may give for verifying the evidence given.
  - (6) Section 22 (caveats) applies to the issue of a licence under this Part with the modification that a caveat may be entered with either a registrar or the Chief Registrar.<sup>111</sup>
  - (7) The prescribed fee shall be paid to the registrar for every entry made in the marriage notice book under this section.

### **38 Marriage by licence of Deemster**

[P1970/34/7-10]

- (1) Where a marriage is intended to be solemnized on the authority of a licence under this Part and a Deemster is satisfied that sufficient grounds exist why the licence should be granted, he shall issue the licence in the prescribed form unless —
  - (a) any lawful impediment to the issue of the licence has been shown to his satisfaction to exist; or
  - (b) the issue of the licence has been forbidden under section 23.
- (2) A marriage may be solemnized on the authority of a licence under this Part at any time within one month from the day on which the notice of marriage was entered in the marriage book.
- (3) If the marriage is not solemnized within the said period of one month, the notice of marriage and the licence shall be void, and no person shall solemnize a marriage on the authority thereof.
- (4) A marriage to be solemnized on the authority of a licence under this Part shall be solemnized at the place specified in the licence according to such form as the persons to be married see fit to adopt (but not according to the rites of the Church of England), and the persons to be married shall in some part of the ceremony, in the presence of the registrar and 2

witnesses, make the declaration and use the form of words set out in section 31(3).

- (5) The prescribed fee shall be payable to a Deemster for the issue of his licence.
- (6) The prescribed fee shall be paid to a registrar by persons married under this Part in his presence.

### **39 Validity of marriages**

[P1970/34/12 and 13]

- (1) Section 33 (no proof required of certain matters) applies with the necessary modifications to a marriage solemnized on the authority of a licence under this Part as it applies to a marriage solemnized under the provisions of Part III.
- (2) If any persons knowingly and wilfully intermarry under the provisions of this Part —
  - (a) without having given due notice to a registrar;<sup>112</sup>
  - (b) without the licence of a Deemster;
  - (c) in any place other than the place specified in the notice of marriage and in the licence;
  - (d) on the authority of a licence which is void by virtue of section 38(3); or
  - (e) in the absence of a registrar;<sup>113</sup>the marriage shall be void.
- (2A) If a same sex couple knowingly and wilfully intermarries under the provisions of this Part in the absence of the required consent, the marriage shall be void.

Here “required consent” means the consent referred to in section 36(3).<sup>114</sup>
- (3) This section is subject to section A51.<sup>115</sup>

## **PART V – REGISTRATION OF MARRIAGES**

### **40 Persons by whom marriages are to be registered**

[P1949/76/53]

Subject to the provisions of Part VI, a marriage shall be registered in accordance with this Part by the following person, that is to say —

- (a) in the case of a marriage solemnized according to the rites of the Church of England, by the cleric by whom the marriage is solemnized;<sup>116</sup>



- (b) in the case of a marriage solemnized in a registered building, by the minister in whose presence the marriage is solemnized;
- (c) in the case of a marriage celebrated in accordance with notice given under any of paragraphs (b) to (g) of section 19(1), by the registrar.<sup>117</sup>
- (d) [Repealed]<sup>118</sup>

#### **41 Provision of marriage register books by Chief Registrar**

[P1949/76/54]

- (1) The Chief Registrar shall furnish to —
  - (a) the incumbent of every church and chapel in which marriages may be solemnized according to the rites of the Church of England;<sup>119</sup>
  - (b) the principal minister or trustees or governing body of every registered building; and
  - (c) every registrar,such number of register books for making entries of marriages in the prescribed form, and such number of forms for making certified copies of those entries, as may be required for the purposes of this Part.
- (2) Marriage register books so furnished shall be of durable materials, and the heads of information required to be known and registered in relation to marriages shall be printed on each side of every leaf thereof, and every page of a marriage register book, and every place of entry therein, shall be numbered progressively from the beginning to the end of the book, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

#### **42 Manner of registration of marriages**

[P1949/76/55]

- (1) Every person who is required under this Part to register a marriage shall, immediately after the solemnization of the marriage, register in duplicate in 2 marriage register books the particulars relating to the marriage in the prescribed form, except that where a registrar is required to register a marriage, the particulars need not be registered in duplicate.
- (2) Every entry made in a marriage register book by virtue of this section shall be signed by the cleric, minister or registrar by whom the marriage is solemnized, as the case may be, and by the parties to the marriage and 2 witnesses.<sup>120</sup>
- (3) Every entry made in a marriage register book by virtue of this section shall be made in consecutive order from the beginning to the end of each book and, in the case of an entry made otherwise than by a registrar, the

number of the entry shall be the same in each duplicate marriage register book.

#### **43 Quarterly returns to be made to the Chief Registrar**

[P1949/76/57; 1982/6/1/5]

- (1) Every incumbent, principal minister of a registered building and registrar shall in the months of January, April, July and October on such days as may be appointed by the Chief Registrar —
  - (a) make and deliver to the Chief Registrar, on forms supplied by the Chief Registrar, a true copy certified by him in the prescribed manner of all entries of marriages made in the marriage register book kept by him during the period of 3 months ending with the last day of the previous month; or
  - (b) if no marriage has been registered in the book during that period, deliver to the Chief Registrar a certificate to that effect under his hand, on a form supplied by the Chief Registrar.
- (2) The Chief Registrar shall pay or cause to be paid the prescribed fee to every incumbent or minister by whom a certified copy is delivered under subsection (1).
- (3) The certified copies sent to the Chief Registrar under this section and the register books sent to him under section 45(1) and (2) shall be kept at such place or places in such order and such manner as the Chief Registrar, subject to any directions of the Clerk of the Rolls, may think fit.

#### **44 Custody of register books**

[P1949/76/59]

Every incumbent, the principal minister of every registered building and every registrar shall keep marriage register books safely until they are filled, in accordance with regulations under section 51.

#### **45 Filled register books**

[P1949/76/60]

- (1) Where any marriage register book required to be kept in duplicate under this Part is filled, one copy thereof shall be delivered to the Chief Registrar and the other copy —
  - (a) in the case of a register book kept by an incumbent, shall remain in the custody of the incumbent and be kept by him with the registers of baptisms and burials of the parish in which the marriages registered therein have been solemnized;
  - (b) in the case of a register book kept by the principal minister of a registered building, shall remain in the custody of such minister for the time being in accordance with regulations under section 51.

- (2) Where a marriage register book kept by a registrar is filled, the registrar shall deliver it to the Chief Registrar.

#### **46 Correction of errors in register book**

[P1949/76/61]

- (1) A person required to register a marriage under this Part who discovers an error in the form or substance of an entry made in a marriage register book kept by him shall not be liable to any penalty by reason only that, within one month after the discovery of the error, he corrects the erroneous entry in the presence of the parties to the marriage to which the entry relates or, in the case of the death or absence of either of those parties, in the presence of the Chief Registrar and 2 other credible witnesses, by entry in the margin of the register book, without any alteration of the original entry.
- (2) Any such marginal entry shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made under subsection (1), and the person by whom the entry is made shall add the date when it is made.
- (3) Where any such marginal entry is made by a person who is required to register marriages in duplicate under this Part that person shall make the like entry, attested in the like manner, in the duplicate marriage register book.
- (4) Any person who makes any such marginal entry aforesaid shall make the like entry in the certified copy of the register book required to be made by him under this Part or, if a certified copy has already been delivered to the Chief Registrar, shall make and deliver to the Chief Registrar a separate certified copy of the original erroneous entry and of the marginal correction made therein.

#### **47 Disposal of register books on church ceasing to be used for solemnization of marriages**

[P1949/76/62]

- (1) Where any church or chapel of the Church of England ceases to be used for the solemnization of marriages, whether by reason of demolition, revocation of a licence or otherwise, any marriage register books in the custody of the incumbent of that church or chapel shall forthwith be delivered to the incumbent of the church which is, or becomes, the parish church of the parish in which the disused church or chapel is situated.
- (2) Any incumbent to whom any marriage register books have been delivered under subsection (1) —
  - (a) shall, when he next delivers to the Chief Registrar under this Part a certified copy of the entries in the marriage register books of marriages solemnized in the parish church, deliver also a copy of

all entries which have been made in the first mentioned marriage register books after the date of the last entry therein of which a certified copy has already been delivered to the Chief Registrar; and

- (b) shall, unless the said first mentioned marriage register books are the only register books in use for the parish, forward such of the said books as have not been filled to the Chief Registrar in order that they may be formally closed.

#### **48 Searches in register books**

[P1949/76/63]

Every incumbent, principal minister of a registered building and registrar by whom a marriage register book is kept shall at all reasonable hours allow searches to be made in any marriage register book in his keeping, and shall give a copy certified under his hand of any entry in such a book, on payment of the prescribed fee.

#### **49 Searches of indexes kept by Chief Registrar**

[P1949/76/65]

- (1) The Chief Registrar shall cause indexes of all certified copies of entries in marriage register books sent to him under this Part to be made and kept in the General Registry.
- (1A) Indexes made and kept by the Chief Registrar under subsection (1) and any information contained in them may be kept in such format (including electronic) as the Chief Registrar thinks fit, provided it is possible to search the information contained in the indexes and to obtain a certified copy in legible form of any entry to which that information relates.<sup>121</sup>
- (2) Any person shall be entitled to search the said indexes at any time when the General Registry is open for that purpose, and to have a certified copy of any entry in the said certified copies of marriage register books, on payment to the Chief Registrar of the prescribed fee.
- (3) Any certified copy of an entry given in the General Registry shall be signed by or on behalf of the Chief Registrar; and any certified copy of an entry purporting to be so signed shall be received as evidence of the marriage to which it relates without any further or other proof of the entry.

**50 [Repealed]<sup>122</sup>****PART VI – GENERAL****A51 Validation of marriages otherwise void**

- (1) Where two people have married each other in the Island, the Clerk of the Rolls may by order validate the marriage if it appears to the Clerk of the Rolls that it is or may be void under section 34 or 39.
- (2) An order under subsection (1) may include provisions for relieving a person from any liability under section 52, 53 or 54.
- (3) The draft of an order under subsection (1) shall be advertised, in such manner as the Clerk of the Rolls thinks fit, for not less than one month before the order is made.
- (4) The Clerk of the Rolls shall –
  - (a) consider all objections to the order sent to the Clerk of the Rolls in writing during the period of the advertisement; and
  - (b) if it appears to the Clerk of the Rolls to be necessary, require the Attorney General to cause an inquiry to be made into the validity of any such objections.
- (5) The *Inquiries (Evidence) Act 2003* shall apply to an inquiry under subsection (4)(b) as if the inquiry were held by a person appointed by the Governor.
- (6) After an inquiry under subsection (4)(b) the Attorney General shall report the findings of the inquiry and the Attorney General's recommendations on the objections to the Clerk of the Rolls.<sup>123</sup>

**51 Tynwald control of orders and regulations**

- (1) The Clerk of the Rolls may make regulations prescribing any matter (other than the amount of, or the method of computing, any fee or allowable expense) which by this Act may be prescribed.
- (2) Regulations under subsection (1) may provide that a person who contravenes the regulations commits an offence and is liable, on summary conviction, to a fine not exceeding £5,000.
- (3) Regulations under subsection (1) shall be laid before Tynwald as soon as practicable after they are made, and, if they contain provision under subsection (2) shall cease to have effect if Tynwald, at the sitting before which they are laid or the next following sitting does not approve them.
- (4) An Order made by the Clerk of the Rolls under section A51(1) shall be laid before Tynwald as soon as practicable after it is made.

- (5) The Treasury may by regulations prescribe the amount of, or the method of computing, any fee or allowable expense under any provision of this Act.
- (6) An order under section 1(3) or regulations under subsection (5) shall not have effect unless approved by Tynwald.<sup>124</sup>

## 52 Offences relating to solemnization of marriage

- (1) A person commits an offence if he knowingly and wilfully solemnizes a marriage according to the rites and ceremonies of the Church of England —
  - (a) without banns having been duly published, except on the authority of a special licence or a common licence;
  - (b) anywhere other than a church or other building in which banns may be published, except on the authority of a special licence; or
  - (c) falsely pretending to be in Holy Orders.
- (2) A person commits an offence if he knowingly and wilfully solemnizes a marriage —
  - (a) in the absence of a registrar in circumstances where a registrar is required to be present;
  - (b) in a registered building but in the absence of a minister;
  - (c) on the authority of a registrar's certificate within 7 days of the notification day;
  - (d) on the authority of a registrar's certificate more than 12 months after the notification day;
  - (e) on the authority of a Deemster's licence otherwise than in accordance with its terms; or
  - (f) which is void under any provision of Part III.

In paragraph (b) "minister" has the meaning given in section 31(4).

- (3) Subsection (2) does not apply to a marriage solemnized according to the rites of the Church of England.
- (4) A registrar commits an offence if, acting as such, he knowingly and wilfully —
  - (a) issues a certificate for a marriage within 7 days of the notification day;
  - (b) issues a certificate for a marriage after the expiry of 12 months after the notification day;
  - (c) issues a certificate, when its issue is forbidden under section 23 by a person entitled to do so, unless the Chief Registrar has issued a certificate as mentioned in section 23(2);

- (d) solemnizes, or permits to be solemnized in his presence, a marriage on the authority of a Deemster's licence which is void under any provision of Part IV.
- (5) A person guilty of an offence under this section is liable —
  - (a) on conviction on information, to custody for not more than 2 years or a fine or both;
  - (b) on summary conviction, to a fine not exceeding £5,000.
- (6) Proceedings for an offence under this section shall not be instituted more than 3 years after the commission of the offence.
- (7) If a registrar is convicted of an offence under any provision of this section the court by which he is convicted may order him to cease to be a registrar.
- (8) In this section “notification day” means the day on which the notice of marriage is entered in the marriage notice book.<sup>125</sup>

### **53 Offences relating to evidence under section 37**

- (1) A person commits an offence if the person knowingly —
  - (a) gives false information by way of evidence in response to a requirement under section 37(3); or
  - (b) gives a certificate as provided for by section 37(4), knowing that the certificate is false.
- (2) A person who commits an offence under subsection (1) is liable —
  - (a) on conviction on information, to custody for not more than 2 years or a fine or both;
  - (b) on summary conviction, to a fine not exceeding £5,000.<sup>126</sup>

### **54 Offences relating to the recording of marriages**

- (1) A person who refuses or fails to comply with the provisions of this Part is guilty of an offence.
- (2) A person who refuses, or without reasonable cause omits, to register a marriage which this Act requires that person to register, is guilty of an offence.
- (3) A person is guilty of an offence if, having a marriage register book in his custody —
  - (a) he carelessly loses or injures the book; or
  - (b) he carelessly allows the book to be injured.
- (4) If a person required under Part V to make and deliver to the Chief Registrar —

- (a) a certified copy of entries made in the marriage register book kept by the person; or
- (b) a certificate that there have been no entries made in that book since the date of the last certified copy,

refuses to deliver any such copy or certificate, or fails to deliver any such copy or certificate, at the time appointed by the Chief Registrar under section 43, that person is guilty of an offence.

- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £5,000.
- (6) If a registrar is convicted of an offence under this section the court by which he is convicted may order him to cease to be a registrar.<sup>127</sup>

## 55 Interpretation etc<sup>128</sup>

- (1) In this Act —

“**aircraft**” shall be construed in accordance with Part A of Schedule 1 the Air Navigation (Isle of Man) Order 2007 [S.I. 2007/1115];

“**approved**” in relation to an aircraft, place, vehicle or vessel means approved by the Chief Registrar in accordance with guidance issued by the Clerk of the Rolls;

“**banns**” means banns of matrimony;

“**child**”, except where used to express a relationship, means a person under the age of eighteen;

“**child of the family**” in relation to any person, means a child who has lived in the same household as that person and been treated by that person as a child of his or her family;

“**cleric**” means a clerk in Holy Orders of the Church of England and includes a clerk in Holy Orders of the Church in Wales, the Church of Ireland or the Scottish Episcopal Church;

“**Deemster’s licence**” means a licence under Part IV;

“**incumbent**”, in relation to a church or chapel in which marriages may be solemnized according to the rites of the Church of England, means —

- (a) the incumbent of the benefice in the area of which the church or chapel is situated,
- (b) if there is no incumbent, the priest-in-charge of that benefice,
- (c) if there is no incumbent or priest-in-charge of the benefice and a team ministry has been established for that benefice, any vicar in the team ministry to whom a special cure of souls has been assigned for the area in which the church or chapel is situated, and



- (d) if none of paragraphs (a) to (c) applies, such cleric as is designated in writing by the Bishop to exercise the function of the incumbent under this Act;
- “**marriage notice book**” has the meaning assigned to it by section 20(4);
- “**parish**” means an ecclesiastical parish;
- “**prescribed**” means prescribed by regulations made under section 51;
- “**public chapel**” means a chapel licensed by the Bishop under section 14(1) for the solemnization of marriages;
- “**registered building**” means a building registered under section 29 or 29A;<sup>129</sup>
- “**registrar**” means a registrar of marriages;
- “**special licence**” has the meaning assigned to it by section 5;
- “**vehicle**” means any form of land transport, other than an animal (but includes a carriage or similar conveyance drawn by an animal);
- “**vessel**” means any description of water craft.
- (2) If, for the purpose of any provision of this Act, a relevant governing authority has given written consent to marriages of same sex couples, the validity of that consent is not affected only because there is a change in the person or persons constituting the relevant governing authority.<sup>130 131</sup>

## 56 Transitional provisions, consequential amendments and savings

- (1) The transitional provisions contained in Schedule 3 shall have effect.
- (2) [Repealed]<sup>132</sup>
- (3) [Repealed]<sup>133</sup>
- (4) Nothing in this Act affects any law or custom relating to the marriage of members of the Royal Family.
- (5) Nothing in this Act affects the right of the Bishop to grant special licences to marry at any convenient time or place.
- (6) Nothing in this Act affects the validity of any marriage solemnized before the commencement of this Act.
- (7) Nothing in this Act enables any proceedings to be taken in an ecclesiastical court which could not have been taken if this Act had not been passed.
- (8) Nothing in this Act requires any caution or security to be given which would not have required to be given if this Act had not been passed.

## 57 Short title and commencement

- (1) This Act may be cited as the Marriage Act 1984.

- (2) This Act shall come into operation on the same day as the *Civil Registration Act 1984*.<sup>134</sup>

**SCHEDULE 1**<sup>135</sup>**PROHIBITED DEGREES OF RELATIONSHIP**

## Section 1

**PART 1 – THE PROHIBITIONS**

1. (1) The list referred to in section 1(1)(c) is —

Adoptive child  
Adoptive parent  
Child  
Former adoptive child  
Former adoptive parent  
Grandparent  
Grandchild  
Parent  
Parent's sibling  
Sibling  
Sibling's child.

- (2) In subparagraph (1) “sibling” means a brother, sister, half-brother or half-sister.

**PART 2 – DEGREES OF AFFINITY REFERRED TO IN SECTION 1(2)**

2. (1) The list referred to in section 1(2) is —

Child of former civil partner<sup>136</sup>  
Child of former spouse  
Former civil partner of grandparent<sup>137</sup>  
Former civil partner of parent<sup>138</sup>  
Former spouse of grandparent  
Former spouse of parent  
Former spouse of child  
Grandchild of former civil partner<sup>139</sup>  
Grandchild of former spouse.  
[Repealed]<sup>140</sup>

(2) In sub-paragraph (1) “child”, in relation to any person, includes a person who is a child of the family (as defined in paragraph 13) in relation to that person.

### **PART 3 – SPECIAL PROVISIONS RELATING TO QUALIFIED PROHIBITIONS**

#### *Marriage according to the rites of the Church of England*

3. Paragraphs 4 to 7 apply where two persons are subject to paragraph 2 but intend to marry according to the rites of the Church of England.

4. The marriage shall not be solemnized after the publication of banns.

5. (1) A common licence shall not be granted for the solemnization of the marriage unless –

- (a) the person having authority to grant the licence is satisfied by the production of evidence that both the persons to be married have reached the age of 21 years; and
- (b) that person has received a declaration in writing made by each of those persons specifying their affinal relationship and declaring that the younger of those persons has not at any time before reaching the age of 18 been a child of the family in relation to the other.

(2) Sub-paragraph (1) does not apply if a declaration is obtained under paragraph 7.

6. Where a caveat is entered under section 13(2) against the grant of a common licence for the solemnization of the marriage on the ground that –

- (a) the persons to be married have not both reached the age of 21 years, or
- (b) one of those persons has at any time before reaching 18 been a child of the family in relation to the other,

then, even though the caveat is withdrawn by the person who entered it, no licence shall be granted unless the Vicar General has certified that he has examined into that ground of objection and is satisfied that that ground ought not to obstruct the grant of the licence.

7. Either of the proposed parties to the marriage may apply to the Vicar General for a declaration that, given that –

- (a) both of them have reached the age of 21 years, and
- (b) the younger of those persons has not at any time before reaching 18 been a child of the family in relation to the other,

there is no impediment of affinity to the solemnization of the marriage.

*Marriage under registrar's certificate*

8. Paragraphs 9 to 11 apply where two persons are subject to paragraph 2 but intend to marry otherwise than according to the rites of the Church of England.

9. (1) The fact that a notice of marriage has been given must not be recorded in the notice book unless a registrar —

- (a) is satisfied by the production of evidence that both of the persons to be married have reached the age of 21 years, and
- (b) has received a declaration made by each of those persons —
  - (i) specifying their affinal relationship; and
  - (ii) declaring that the younger of them has not at any time before reaching 18 been a child of the family in relation to the other.

(2) Sub-paragraph (1) does not apply if a declaration is obtained under paragraph 11.

(3) A declaration under subparagraph (1)(b) must contain such information and must be signed and attested in such manner as may be prescribed.

(4) The fact that a registrar has received a declaration under subparagraph (1)(b) must be recorded in the register.

(5) A declaration under subparagraph (1)(b) must be filed and kept by the registrar.

10. (1) Sub-paragraph (2) applies if —

- (a) a registrar has received from a person who is not one of the proposed parties to the marriage a written statement signed by that person which alleges that a declaration made under paragraph 9 is false in a material particular; and
- (b) the notice book shows that such a statement has been received.

(2) No certificate authorising a marriage between the parties may be issued by a registrar unless a High Court declaration is obtained under paragraph 11.

11. (1) Either of the proposed parties to the marriage may apply to the High Court for a declaration that, given that —

- (a) both of them have reached the age of 21 years, and
- (b) the younger of those persons has not at any time before reaching 18 been a child of the family in relation to the other,

there is no impediment of affinity to the formation of the marriage.

(2) Such an application may be made whether or not any statement has been received by a registrar under paragraph 10.

12. Section 22 (caveat against issue of certificate) does not apply in relation to a proposed marriage to which paragraphs 9 to 11 apply, except so far as an objection to the issue of a certificate for the marriage is made under that section on a ground other than the affinity between the proposed parties to the marriage.

*Interpretation*

13. In this Part “**child of the family**”, in relation to any person, means a child who has been treated by that person as a child of that person’s family.

**SCHEDULE 2<sup>141</sup>**

**SCHEDULE 3**

**TRANSITIONAL PROVISIONS**

Section 56(1)

*Custody of registers etc.*

1. (1) Section 43(3) applies to the certified copies and register books sent to the superintendent registrar under sections 28 and 29 of the 1924 Act as it applies to the copies and register books therein mentioned.

(2) Section 49(1) applies to the certified copies sent to the superintendent registrar under section 28 of the 1924 Act as it applies to the certified copies sent to the Chief Registrar under Part V.

(3) Section 49(2) applies to the indexes prepared under section 56 of the 1924 Act as it applies to indexes prepared under section 49(1).

*Evidence*

2. Section 49(3) applies, with any necessary modifications, to a certified copy of any entry in a register or certified copy of entries in a register prepared under any enactment repealed by this Act or by the 1924 Act as it applies to a certified copy of an entry in a register under this Act.

*Interpretation*

3. In this Schedule “**the 1924 Act**” means the *Civil Registration and Dissenters’ Marriage Act 1924*.

**SCHEDULE 4<sup>142</sup>**

**SCHEDULE 5<sup>143</sup>**

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Para (a) repealed by Marriage and Civil Partnership (Amendment) Act 2016 s 5.

<sup>2</sup> S 1 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

<sup>3</sup> Subs (1) substituted by Family Law Act 1991 Sch 5 and amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and by Marriage and Civil Partnership (Amendment) Act 2016 s 6.

<sup>4</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

<sup>5</sup> Para (b) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

<sup>6</sup> Subs (6) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

<sup>7</sup> Subs (7) amended by Family Law Act 1991 Sch 5.

<sup>8</sup> Subs (9) amended by Marriage and Civil Registration (Amendment) Act 2011 Schs 1 and 5.

<sup>9</sup> Subs (12) added by Family Law Act 1991 Sch 5.

<sup>10</sup> S 4 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

<sup>11</sup> S 4A inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 7.

<sup>12</sup> S 4B inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 8.

<sup>13</sup> S 4C inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 9.

<sup>14</sup> Para (b) amended by Marriage and Civil Partnership (Amendment) Act 2016 s 10.

<sup>15</sup> Para (a) amended by Civil Partnership Act 2011 Sch 14.

<sup>16</sup> Para (b) amended by Civil Partnership Act 2011 Sch 14.

<sup>17</sup> Para (a) amended by Civil Partnership Act 2011 Sch 14.

<sup>18</sup> Para (b) amended by Civil Partnership Act 2011 Sch 14.

<sup>19</sup> S 5A substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

<sup>20</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

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- <sup>21</sup> Subs (5) repealed by GC131/90.
- <sup>22</sup> Subs (3) amended by SD254/94 and by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>23</sup> S 8 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>24</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>25</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>26</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>27</sup> Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>28</sup> Subs (4) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>29</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>30</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>31</sup> Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>32</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>33</sup> Subs (4) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>34</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>35</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>36</sup> S 17 substituted by marriage and Civil Partnership (Amendment) Act 2016 s 11.
- <sup>37</sup> Subs (1) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>38</sup> Subs (4) substituted by Church Act 1992 Sch 6 and amended by SD654/12.
- <sup>39</sup> Cross-heading amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>40</sup> S 19 substituted by Marriage and Civil Partnership (Amendment) Act 2016 s 12.
- <sup>41</sup> S 19A inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 13.
- <sup>42</sup> S 19B inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 14.
- <sup>43</sup> Subs (1) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>44</sup> Subs (2) repealed by Marriage and Civil Registration (Amendment) Act 2011 Schs 1 and 5.
- <sup>45</sup> Para (a) substituted by Civil Partnership Act 2011 Sch 14.
- <sup>46</sup> Subs (3) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 see SD345/11 for transitional provisions.
- <sup>47</sup> Subs (3A) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>48</sup> S 20A inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>49</sup> S 20B inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>50</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 see SD345/11 for transitional provisions.
- <sup>51</sup> Para (b) repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>52</sup> Para (c) repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>53</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>54</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.



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- <sup>55</sup> Subs (1A) inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 15.
- <sup>56</sup> Para (c) amended by Civil Partnership Act 2011 Sch 14.
- <sup>57</sup> S 21A inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>58</sup> S 21B inserted by marriage and Civil Partnership (Amendment) Act 2016 s 16.
- <sup>59</sup> S 22 heading substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>60</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>61</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>62</sup> Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>63</sup> S 22 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1. Subs (4) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>64</sup> S 24 heading substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>65</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>66</sup> Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>67</sup> S 24 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5 effective 1/7/2011.
- <sup>68</sup> S 25 repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>69</sup> S 26 heading substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>70</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>71</sup> S 26 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5. Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>72</sup> Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>73</sup> S 28 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>74</sup> S 29 heading amended by Marriage and Civil Partnership (Amendment) Act 2016 s 17.
- <sup>75</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>76</sup> Subs (1A) inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 17.
- <sup>77</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>78</sup> S 29A inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 18.
- <sup>79</sup> S 29B inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 18.
- <sup>80</sup> S 29C inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 18.
- <sup>81</sup> Cross heading inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 18.
- <sup>82</sup> S 29D inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 18.
- <sup>83</sup> Subs (6A) inserted by SD2016/0193.
- <sup>84</sup> S 29E inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 18.

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- <sup>85</sup> Subs (2A) inserted by SD2016/0193.
- <sup>86</sup> Subs (3) amended by Marriage and Civil Partnership (Amendment) Act 2016 s 18.
- <sup>87</sup> Subs (4) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>88</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>89</sup> Para (b) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>90</sup> Subs (5) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1. Para (c) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>91</sup> Subs (6) substituted by Marriage and Civil Partnership (Amendment) Act 2016 s 19.
- <sup>92</sup> Subs (1) amended by Equality Act 2017 Sch 23.
- <sup>93</sup> Subs (1A) inserted by Equality Act 2017 Sch 23.
- <sup>94</sup> Para (c) amended by Marriage and Civil Partnership (Amendment) Act 2016 s 20.
- <sup>95</sup> Subs (3A) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>96</sup> Subs (3B) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>97</sup> Subs (3C) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>98</sup> S 32 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 effective 1/7/2011 for the purposes of marriages in registrar's offices or a place where a person is housebound (see the inserted section 20A), and 1/8/2011 for all other purposes. See SD345/11 for transitional provisions.
- <sup>99</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>100</sup> Para (d) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>101</sup> Para (f) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>102</sup> S 34 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 effective 1/8/2011. Subs (2) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>103</sup> S 34A inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 21.
- <sup>104</sup> Subs (2) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>105</sup> S 35 amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1. Subs (3) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>106</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and by Marriage and Civil Partnership (Amendment) Act 2016 s 22.
- <sup>107</sup> Subs (2) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>108</sup> Subs (3) inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 22.
- <sup>109</sup> Subs (4) inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 22.
- <sup>110</sup> Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>111</sup> Subs (6) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>112</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>113</sup> Para (e) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.

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- <sup>114</sup> Subs (2A) inserted by Marriage and Civil Partnership (Amendment) Act 2016 s 23.
- <sup>115</sup> Subs (3) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>116</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>117</sup> Para (c) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and amended by Marriage and Civil Partnership (Amendment) Act 2016 s 24.
- <sup>118</sup> Para (d) repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>119</sup> Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1 and Sch 5.
- <sup>120</sup> Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>121</sup> Subs (1A) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>122</sup> S 50 repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
- <sup>123</sup> S A51 inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>124</sup> S 51 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>125</sup> S 52 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>126</sup> S 53 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>127</sup> S 54 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>128</sup> S 55 heading amended by Marriage and Civil Partnership (Amendment) Act 2016 s 25.
- <sup>129</sup> Definition of “registered building” amended by Marriage and Civil Partnership (Amendment) Act 2016 s 25.
- <sup>130</sup> Subs (2) inserted by Marriage and Civil Partnership (amendment) Act 2016 s 25.
- <sup>131</sup> S 55 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>132</sup> Subs (2) repealed by Matrimonial Proceedings Act 2003 Sch 6.
- <sup>133</sup> Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.
- <sup>134</sup> ADO (whole Act) 1/1/1985 (GC271/84).
- <sup>135</sup> Sch 1 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 1.
- <sup>136</sup> Item inserted by Civil Partnership Act 2011 Sch 14.
- <sup>137</sup> Item inserted by Civil Partnership Act 2011 Sch 14.
- <sup>138</sup> Item inserted by Civil Partnership Act 2011 Sch 14.
- <sup>139</sup> Item inserted by Civil Partnership Act 2011 Sch 14.
- <sup>140</sup> Entry repealed by Marriage and Civil Partnership (Amendment) Act 2016 s 28.
- <sup>141</sup> Sch 2 repealed by Family Law Act 1991 Sch 6.
- <sup>142</sup> Sch 4 repealed by Matrimonial Proceedings Act 2003 Sch 6.
- <sup>143</sup> Sch 5 repealed by Statute Law Revision Act 1992 Sch 2.