

Registration of Marriage (No. 2) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office with the consent of Dame Caroline Spelman, the Member in charge of the Bill, are published separately as Bill 124 – EN.

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TO

Make provision about the registration of marriages.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Power for Secretary of State to make regulations about marriage registration

- (1) The Secretary of State may by regulations make provision in relation to the registration of marriages in England and Wales.
- (2) The power in subsection (1) includes power to amend, repeal or revoke any provision made by or under any Act of Parliament passed before this Act or in the same Session. 5
- (3) The regulations may, in particular, amend the Marriage Act 1949—
 - (a) to provide that a Part 3 marriage may be solemnized on the authority of a single document (a “marriage schedule”) issued by the superintendent registrar for the district in which the marriage is to be solemnized (instead of on the authority of two certificates of a superintendent registrar); 10
 - (b) to provide that a member of the clergy who is to solemnize a marriage authorised by ecclesiastical preliminaries must, before doing so, issue a document to enable the marriage to be registered (a “marriage document”) or ensure that a marriage document is issued; 15
 - (c) to make provision in relation to the signing of a marriage schedule or marriage document following the solemnization of the marriage;
 - (d) to make provision in relation to the delivery of a signed marriage schedule or signed marriage document to a registrar; 20
 - (e) to require the Registrar General to maintain a register of marriages in England and Wales (“the marriage register”);
 - (f) to make provision in relation to the entering in the marriage register of the particulars set out in a signed marriage schedule or signed marriage document; 25
 - (g) to make other provision in relation to the registration of marriages.

- (4) Where provision made by virtue of subsection (3)(d) gives power to a registrar to require a person to attend personally at the office of a superintendent registrar for the purpose of delivering a signed marriage schedule or signed marriage document, the regulations may provide that a person who fails to comply with such a requirement – 5
- (a) commits an offence, and
 - (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

2 Power for Registrar General to make regulations

- (1) Regulations under section 1 may give the Registrar General power to make regulations – 10
- (a) prescribing the form or content of a marriage schedule, marriage document or any other document specified in regulations under section 1;
 - (b) making provision in relation to corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized; 15
 - (c) making provision in relation to the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register; 20
 - (d) making provision in relation to corrections to entries in the marriage register or a pre-commencement marriage register book;
 - (e) making provision in relation to the keeping of pre-commencement marriage register books;
 - (f) making provision in relation to the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England in the church or chapel. 25
- (2) For the purposes of subsection (1), provision in relation to the keeping of a book, document or other record includes, in particular, provision about – 30
- (a) who is to be responsible for keeping the book, document or other record and how it is to be stored;
 - (b) the circumstances in which the book, document or other record must or may be annotated;
 - (c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar. 35
- (3) Provision made by virtue of subsection (1) – 40
- (a) must require regulations made by the Registrar General to be made with the approval of the Secretary of State by statutory instrument, and
 - (b) may give the Registrar General power to make different provision for different cases.

3 Consequential provision

- (1) The Secretary of State may by regulations make provision in consequence of regulations under section 1.
- (2) The power in subsection (1) includes power to amend, repeal or revoke any provision made by or under primary legislation passed before this Act or in the same Session. 45

4 Supplementary provision about regulations

- (1) Regulations under section 1 or 3 must be made by statutory instrument.
- (2) Regulations under section 1 or 3 may make –
 - (a) different provision for different cases;
 - (b) provision generally or for specific cases; 5
 - (c) provision subject to exceptions;
 - (d) supplementary, transitional, transitory or saving provision.
- (3) A statutory instrument that contains (with or without other provision) regulations under section 1 or 3 that amend or repeal any provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 10
- (4) Any other statutory instrument containing regulations under section 1 or 3 is subject to annulment in pursuance of a resolution of either House of Parliament.

5 Interpretation 15

In this Act –

- “ecclesiastical preliminaries” means the methods of authorisation described in section 5(1)(a), (b) or (c) of the Marriage Act 1949;
- “marriage document”, “marriage register” and “marriage schedule” have the meanings given by section 1; 20
- “member of the clergy” means a clerk in Holy Orders of the Church of England or a clerk in Holy Orders of the Church in Wales;
- “Part 3 marriage” means a marriage falling within section 26(1), 26A(1) or 26B(2), (4) or (6) of the Marriage Act 1949;
- “pre-commencement marriage register book” means any marriage register book in which the particulars of a marriage have been entered under that Act; 25
- “primary legislation” means –
 - (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament; 30
 - (c) an Act or Measure of the National Assembly for Wales;
 - (d) Northern Ireland legislation;
 - (e) a Measure of the Church Assembly or of the General Synod of the Church of England;
- “registrar” means a registrar of marriages; 35
- “Registrar General” means the Registrar General for England and Wales;
- “superintendent registrar” means a superintendent registrar of births, deaths and marriages.

6 Commencement, extent and short title

- (1) Sections 1 to 5 come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint. 40
- (2) Regulations under subsection (1) may –
 - (a) appoint different days for different purposes;
 - (b) make transitional, transitory or saving provision.

- (3) This section comes into force on the day on which this Act is passed.
- (4) Sections 1 and 2 extend to England and Wales only.
- (5) Sections 3 to 5 and this section extend to England and Wales, Scotland and Northern Ireland.
- (6) This Act may be cited as the Registration of Marriage (No. 2) Act 2018.

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To make provision about the registration of marriages.

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