

Marriage (Approved Organisations) Bill [HL]

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Schedule – Consequential amendments

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B I L L

TO

Amend the law on marriage to permit the Registrar General to permit certain charitable organisations to solemnise 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 Marriages according to usages of approved organisations

In the Marriage Act 1949, after section 47, insert the following section—

“47A Marriages according to usages of approved organisations

- (1) The Registrar General may by certificate approve organisations to solemnise marriages according to their usages provided that any such organisation— 5
- (a) is a registered charity concerned with advancing or practising a religion or belief, including a non-religious belief;
 - (b) does not possess or have the use of any registered place of worship; and 10
 - (c) appears to the Registrar General to be of good repute.
- (2) In the certificate referred to in subsection (1) the Registrar General shall designate an officer of the organisation (“the principal officer”) to appoint persons for stated periods of time to act as registering officers on behalf of the organisation, and may impose such conditions as seem to him or her to be desirable relative to the conduct of marriages by the organisation and to the safe custody of marriage register books. 15
- (3) The principal officer shall, within the prescribed time and in the prescribed manner, certify the names and addresses of the persons so appointed to the Registrar General and to the superintendent registrars of the registration districts in which such persons live, together with such other details as the Registrar General shall require. 20
- (4) A marriage shall not be solemnised according to the usages of an approved organisation until duplicate marriage register books have

been supplied by the Registrar General under Part IV of this Act to the registering officers appointed to act on behalf of the organisation.

- (5) If the Registrar General is not satisfied with respect to any registering officer of the approved organisation that sufficient security exists for the safe custody of marriage register books, he or she may in his or her discretion suspend the appointment of that registering officer. 5
- (6) A marriage to which this section applies shall be solemnised with open doors in the presence of either –
- (a) a registrar of the registration district in which the marriage takes place; or 10
 - (b) a registering officer appointed under subsection (2) whose name and address have been certified in accordance with subsection (3) and of two witnesses;
- and the persons to be married shall make the declarations and use the form of words set out in subsection (3) or (3A) of section 44. 15
- (7) A marriage solemnised according to the usages of an approved organisation shall not be valid unless there is produced to the superintendent registrar, at the time when notice of marriage is given, a certificate signed by the principal officer or a registering officer of the approved organisation that each person giving notice of marriage is a member of the said organisation. 20
- (8) A certificate under subsection (7) shall be for all purposes conclusive evidence that any person to whom it relates is authorised to be married according to the usages of the said organisation and the entry of the marriage in a marriage register book under Part IV of this Act, or a certified copy thereof made under the said Part IV, shall be conclusive evidence of the production of such a certificate.” 25

2 Consequential amendments

The Marriage Act 1949 shall have effect subject to the amendments specified in the Schedule to this Act. 30

3 Citation, commencement and extent

- (1) This Act extends to England and Wales.
- (2) This Act may be cited as the Marriage (Approved Organisations) Act 2012 and together with the Marriage Acts 1949 to 1994 and the Marriage (Wales) Acts 1986 to 2010 may be cited as the Marriage Acts 1949 to 2012. 35
- (3) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

SCHEDULE

Section 2

CONSEQUENTIAL AMENDMENTS

The following amendments are made to the Marriage Act 1949 –

- (1) In section 26 (marriages which may be solemnised on authority of superintendent registrar’s certificate) in subsection (1) after paragraph (c) there is inserted –
“*(ca)* a marriage conducted under the auspices of an approved organisation;” 5
- (2) In section 35 (marriages in registration district in which neither party resides) after “the Society of Friends” there is inserted “or of an approved organisation”. 10
- (3) In section 43 (appointment of authorised persons) in subsection (3) after “the Society of Friends” there is inserted “or of an organisation authorised by the Registrar General under section 47A”. 15
- (4) In section 50 (person to whom certificate to be delivered), in subsection (1) after paragraph (d) there is inserted –
“*(da)* if the marriage is to be solemnised according to the usages of an approved organisation, a registering officer of that organisation”. 15
- (5) After section 52, the following section is inserted – 20
“52A Interpretation
In this Part of this Act “approved organisation” has the meaning given to it in section 67.”
- (6) In section 53 (persons by whom marriages are to be registered), after paragraph (b) there is inserted – 25
“*(ba)* in the case of a marriage solemnised according to the usages of an approved organisation, a registering officer of that organisation;”
- (7) In section 54 (provision of marriage register books by Registrar General), in subsection (1) after the words “the Society of Friends,” there is inserted “registering officer of every approved organisation”. 30
- (8) In section 55 (manner of registration of marriages) –
 - (a) in subsection (1) after the words “the Society of Friends” there is inserted “or of an approved organisation”; and
 - (b) in subsection (1)(b) after the words “the Society of Friends” there is inserted “or of an approved organisation” and after the words “the said Society” there is inserted “or organisation”. 35
- (9) In section 57 (quarterly returns to be made to superintendent registrar), in subsection (1) after the words “the Society of Friends” there is inserted “or of an approved organisation”. 40

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- (10) In section 59 (custody of register books) after the words “the Society of Friends” there is inserted “or of an approved organisation”.
- (11) In section 60 (filled register books) in subsection (1), paragraph (b), after the words “registering officer of the Society of Friends” there is inserted “or of an approved organisation”; after the words “members of the Society of Friends” there is inserted “or of the said organisation”, and after the words “the said Society” there is inserted “or organisation”. 5
- (12) In section 63 (searches in register books) after the words “the Society of Friends” there is inserted “or of an approved organisation”.
- (13) In section 67 (interpretation of Part IV), there are inserted in the list of definitions the following – 10
- ““approved organisation” means an organisation approved by the Registrar General under section 47A of this Act;” and
- ““registering officer of an approved organisation” means a person whom the principal officer of the said organisation certifies in writing under his or her hand to the Registrar General to be a registering officer in England or Wales of that organisation;”;
- and in the definition of “superintendent registrar” after paragraph (b) insert – 15
- “(ba) in the case of a marriage registered by a registering officer of an approved organisation, the superintendent registrar of the registration district which is assigned by the Registrar General to that registering officer;”.
- (14) In section 75 (offences relating to solemnisation of marriages) in subsection (1), paragraph (a), after the words “the Society of Friends” there is inserted “or of an approved organisation”; and in subsection (2), paragraph (a), after the words “the Society of Friends” there is inserted “or of an approved organisation”. 20 25

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Lord Harrison

Ordered to be Printed, 16th May 2012

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