

SCHEDULE 1

Consequential and related amendments

PART 2

Other primary legislation

Amendment of the Perjury Act 1911

50.—(1) Section 3 of the Perjury Act 1911 (false statements, etc, with reference to marriage)(1) is amended as follows.

(2) In subsection (1)(a), after “licence for marriage,” insert “or a marriage document or a marriage schedule,”.

(3) In subsection (1)(c), after “licence for marriage” insert “or marriage schedule”.

Amendment of the Census Act 1920

51. In section 5(2) of the Census Act 1920 (preparation of statistics in respect of periods between one census and another: Registrar General’s consent)(2), for paragraph (b) substitute—

“(b) any information entered in—

(i) the marriage register maintained under Part 4 of the Marriage Act 1949, or

(ii) any marriage register book kept under Part 4 of the Marriage Act 1949;”.

Amendment of the City of London (Guild Churches) Act 1952

52. In section 22 of the City of London (Guild Churches) Act 1952 (marriages)(3), in subsection (4), omit “and the Registrar-General shall issue to the vicar new marriage register books and those books shall be the marriage register books of the guild church”.

Amendment of the Marriage (Scotland) Act 1956

53.—(1) Section 1 of the Marriage (Scotland) Act 1956 (notice of marriage to be solemnized in Scotland)(4) is amended as follows.

(2) In subsection (3), for the words from “and the provisions” to the end substitute—

“but sections 3, 29 to 31A and 33 of that Act are to apply as if—

(a) references in those sections to a marriage schedule, except the reference in subsection (1) of section 29 of that Act and the first reference in each of subsections (2) and (4) of that section, were references to an approved certificate,

(b) the first reference to a marriage schedule in section 29(2) of that Act were a reference to an approved certificate in respect of a person named in the caveat,

(c) the reference to the relevant superintendent registrar in section 29(2) of that Act were a reference to the superintendent registrar to whom notice is given under this section,

(1) 1911 c. 6. Section 3 was amended by section 28(1) of the Criminal Justice Act 1925 (c. 86), section 1(2) of the Criminal Justice Act 1948 (c. 58), section 32(2) of the Magistrates’ Courts Act 1980 (c. 43), section 4 of the Marriage (Prohibited Degrees of Relationship) Act 1986 and S.I. 2014/3168.

(2) 1920 c. 41. Section 5(2) was inserted by paragraph 5 of Schedule 1 to the Statistics and Registration Service Act 2007 (c. 18).

(3) 1952 c. xxxviii. Section 22(4) was amended by Part 6 of Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14).

(4) 1956 c. 70. Section 1 was amended by Part I of Schedule 4 to the Children Act 1975 (c. 72) and paragraph 5 of Schedule 2 and Schedule 3 to the Marriage (Scotland) Act 1977.

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- (d) subsection (2A) of section 29 of that Act were omitted,
 - (e) in section 30(1) of that Act, for the words from “is required” to “marriage”, where it first occurs, there were substituted “would be required under section 3 in respect of a marriage if that marriage were”,
 - (f) the reference in section 31(2) of that Act to the superintendent registrar for the registration district in which a marriage is to be solemnized were a reference to the superintendent registrar to whom notice is given under this section,
 - (g) in section 31 of that Act, subsections (3)(b) and (c), (3A), (4) and (5) were omitted,
 - (h) the reference in section 31(3)(a) of that Act to each notice of marriage were a reference to the notice given under this section,
 - (i) the reference in section 33(2)(a) of that Act to notices of marriage were a reference to the notice given under this section, and
 - (j) in section 33 of that Act, subsections (3)(a) and (4) were omitted.”.
- (3) After subsection (3) insert—
- “(3A) In subsection (3)(a) and (b) “approved certificate” means a certificate for marriage, for the purposes of section 3(4) of the Marriage (Scotland) Act 1977, in the prescribed form.
 - (3B) In subsection (3A) “prescribed” means prescribed by regulations made under section 74 of the Marriage Act 1949; and the reference, in subsection (1)(b) of that section, to that Act is to be treated as including a reference to this Act.”.

Amendment of the Sharing of Church Buildings Act 1969

54. In Schedule 1 to the Sharing of Church Buildings Act 1969 (modification of provisions of the Marriage Act 1949 relating to the registration of buildings, in their application to shared church buildings)(**5**), omit paragraph 7.

Amendment of the Family Law Reform Act 1969

55. In section 2 of the Family Law Reform Act 1969 (provisions relating to marriage)(**6**), in subsection (3), after “certificate for marriage” (in both places it appears) insert “or marriage schedule”.

Amendment of the Marriage (Registrar General’s Licence) Act 1970

- 56.**—(1) The Marriage (Registrar General’s Licence) Act 1970(**7**) is amended as follows.
- (2) In section 1(1) (marriages which may be solemnized by Registrar General’s licence)(**8**), for “certificates of a superintendent registrar” substitute “a marriage schedule”.
 - (3) In section 2 (notice of marriage)(**9**), in subsection (2)—
 - (a) after “section 27(4)” insert “and (4A)”;
 - (b) for “notice book” substitute “register etc”.
 - (4) In section 5 (caveat against issue of Registrar General’s licence)(**10**)—
 - (a) for “certificate” substitute “marriage schedule”;

(5) 1969 c. 38.

(6) 1969 c. 46. Section 2(3) was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

(7) 1970 c. 34.

(8) Section 1(1) was amended by paragraph 9 of Schedule 1 to the Marriage Act 1994 and paragraph 39 of Schedule 14 to the Immigration and Asylum Act 1999.

(9) Section 2 was amended by paragraph 24 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(10) Section 5 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

- (b) for “the superintendent registrar” (in the first place it appears) substitute “any superintendent registrar”;
- (c) omit the words from “, and with a further” to the end.
- (5) In section 6 (marriage of persons under eighteen)(**11**), for “certificates of a superintendent registrar” substitute “a marriage schedule”.
- (6) In section 8(1) (period of validity of licence), for “marriage notice book” substitute “marriage register”.
- (7) In section 12 (proof of certain matters not necessary to validity of marriages), for “certificate of a superintendent registrar” substitute “marriage schedule”.
- (8) In section 13 (void marriages), for paragraph (a) substitute—
 - “(a) as if for paragraph (b) there were substituted—
 - “(b) without a Registrar General’s licence;”;
- (9) In section 14 (documentary authority for marriage)—
 - (a) in paragraph (a), omit “registering”;
 - (b) in paragraph (b), for “by whom the marriage is required to be registered under Part IV of the principal Act” substitute “responsible for ensuring the document issued under this section is signed in accordance with section 53C of the principal Act (signing of a marriage schedule)”.
- (10) After section 14 (documentary authority for marriage) insert—

“14A Signing of document

14A Section 53C of the principal Act (signing of a marriage schedule) applies to marriages solemnized on the authority of a Registrar General’s licence as it applies to marriages solemnized on the authority of a marriage schedule, reading references to the marriage schedule in subsections (2) to (7) of that section as references to the document issued by the superintendent registrar under section 14.”.

(11) In section 15 (registration of marriages), for the words from “the provisions of the principal Act” to the end substitute “sections 53D and 53E of the principal Act, as if it were solemnised on the authority of a marriage schedule, reading the first reference to the marriage schedule in subsection (3) of section 53D as a reference to the Registrar General’s licence and reading all subsequent references to the marriage schedule in sections 53D and 53E as references to the document issued by the superintendent registrar under section 14”.

(12) In section 16(1)(c) (offence of solemnising marriage after expiry of validity of Registrar General’s licence), for “marriage notice book” substitute “marriage register”.

Amendment of the Parochial Registers and Records Measure 1978

57.—(1) The Parochial Registers and Records Measure 1978(**12**) is amended as follows.

(2) In section 19 (disposal of register books and records on dissolution of parish, etc)(**13**), in subsection (2), omit “Subject to the provisions of section 62 of the Marriage Act 1949 (disposal of register books of marriage on church ceasing to be used for solemnisation of marriages),”.

(11) Section 6 was amended by paragraph 41 of Schedule 14 to the Immigration and Asylum Act 1999.

(12) 1978 No. 2. Section 19(2) was amended by section 62(6) of the Dioceses, Pastoral and Mission Measure (No. 1). Section 20(3) was amended by paragraph 4(b) of Schedule 2 to the Ecclesiastical Fees (Amendment) Measure 2011 (No. 2). Section 20(3A) was inserted by paragraph 9 of Schedule 1 to the Church of England (Miscellaneous Provisions) Measure 1992 (No. 1).

(13) Section 19 was amended by Schedule 9 to the Pastoral Measure 1983 (No. 1) and section 62(6) of the Dioceses, Pastoral and Mission Measure 2007 (No. 1).

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(3) Omit section 22 (special provisions as to marriage registers).

Amendment of the Marriage Act 1983

58. In section 1(1) of the Marriage Act 1983 (marriages of house-bound and detained persons in England and Wales)(**14**), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

Amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004

59. In section 19 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (procedure for marriage: England and Wales)(**15**), in subsection (1), for “certificates issued by a superintendent registrar” substitute “a marriage schedule”.

Amendment of the Statistics and Registration Service Act 2007

60. In section 42(2) of the Statistics and Registration Service Act 2007 (information relating to births and deaths etc)(**16**), for paragraph (d), substitute—

- “(d) any information—
 - (i) entered in the marriage register under section 53D(10)(a) of the Marriage Act 1949, or
 - (ii) entered in any marriage register book kept under the Marriage Act 1949;”.

Amendment of the Marriage (Same Sex Couples) Act 2013

61. In section 14 of the Marriage (Same Sex Couples) Act 2013 (marriage according to the usages of belief organisations)(**17**), in subsections (1)(a) and (4), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

Amendment of the Immigration Act 2014

62.—(1) The Immigration Act 2014(**18**) is amended as follows.

(2) In section 48(7) (notice of decision whether to investigate)(**19**)—

- (a) at the end of paragraph (a), omit “and”;
- (b) after paragraph (b) insert—

“, and

- (c) if different, the superintendent registrar responsible for issuing the marriage schedule under section 31 of the Marriage Act 1949 in relation to the proposed marriage.”.

(3) In section 62 (interpretation of Part 4)(**20**), in the definition of “relevant statutory period”, in paragraph (a)(i)—

- (a) for “entered in the marriage book” substitute “recorded in the marriage register”;

(14) 1983 c. 32. Section 1 was amended by paragraph 77 of Schedule 14 to the Immigration and Asylum Act 1999.

(15) 2004 c. 19. Section 19 was amended by section 58(2) and (3) of the Immigration Act 2014, S.I. 2011/1158 and is prospectively amended by S.I. 2020/1309 but these amendments are not yet in force.

(16) 2007 c. 18. Section 42(2) was amended by S.I. 2014/560 and S.I. 2014/3168.

(17) 2013 c. 30.

(18) 2014 c. 22.

(19) Section 48 was amended by S.I. 2015/395, S.I. 2015/396.

(20) The definition of “relevant statutory period” in section 62(1) was amended by S.I. 2015/395.

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(b) omit “or is entered in an approved electronic form by virtue of section 27(4A) of that Act.”.