

DESPATCHES FROM THE SECRETARY OF STATE.

No. 55.

THE FOREIGN MARRIAGES ORDER IN COUNCIL, 1913.

AT THE COURT AT WINDSOR CASTLE,

THE 22ND DAY OF NOVEMBER, 1913.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

EARL SPENCER

LORD STAMFORDHAM

LORD EMMOTT.

WHEREAS by "The Foreign Marriage Act, 1892," His Majesty the King in Council is authorized to make Regulations for the purposes therein specified :

And whereas the provisions of Section 1 of "The Rules Publication Act, 1893," have been complied with in respect of the Regulations hereinafter set forth :

Now, therefore, His Majesty, by virtue and in exercise of the powers conferred by "The Foreign Marriage Act, 1892," or otherwise enabling Him in this behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) Where a marriage according to the local law of a foreign country is valid by English law, then before the marriage is solemnized in that country under the Foreign Marriage Act the marriage officer must be satisfied either—

- (a) That both the parties are British subjects ; or
- (b) If only one of the parties is a British subject, that the other is not a subject or citizen of the country ; or
- (c) If one of the parties is a British subject and the other a subject or citizen of the country, that sufficient facilities do not exist for the solemnization of the marriage in the foreign country in accordance with the law of that country ; or
- (d) If the man about to be married is a British subject and the woman a subject or citizen of the country, that no objection will be taken by the authorities of the country to the solemnization of the marriage under the Foreign Marriage Act.

(2) If a marriage officer, by reason of anything in this article, refuses to solemnize or allow to be solemnized in his presence the marriage of any person requiring such marriage to be solemnized, that person shall have the same right of appeal to a Secretary of State as is given by section 5 of the Foreign Marriage Act.

2. In the case of any marriage under the Foreign Marriage Act, if it appears to the marriage officer that the woman about to be married is a British subject, and that the man is a foreigner, he must be satisfied—

- (a) That the marriage will be recognized by the law of the country to which the foreigner belongs ; or
- (b) That some other marriage ceremony, in addition to that under the Foreign Marriage Act, has taken place, or is about to take place, between the parties, and that such other ceremony is recognized by the law of the country to which the foreigner belongs ; or
- (c) That the leave of the Secretary of State has been obtained.

3. For the purpose of the Foreign Marriage Act and these Regulations, the house in which a British Ambassador resides in the foreign country to the Government of which he is accredited, or which is occupied by him in that country for the purposes of his embassy, shall be deemed to be the official house of such Ambassador, and is in these Regulations referred to as the embassy house, and every place within the precincts or curtilage of any such house, and any church or chapel annexed to such house, or for the time being used with the consent of the Government to which the Ambassador is accredited as the chapel thereof, shall be deemed to form part of the embassy house.

For the purpose of marriages in an embassy house, the expression "office," when used with respect to the place where any act or thing shall or may be done, shall be construed to refer to such part of the embassy house as the Ambassador may from time to time appoint as being sufficiently accessible to the public.

4. The person before and by whom a marriage under the Foreign Marriage Act may be solemnized and registered in an embassy house in a foreign country shall either be the Ambassador or any member of the diplomatic service not below the rank of secretary, who is attached to the embassy, and who is from time to time appointed for the purpose in writing by the Ambassador; and for the purpose of marriages solemnized in such embassy house, such Ambassador or member of the diplomatic service shall, without any marriage warrant, be a marriage officer.

5. Where a marriage can be solemnized at a British consulate in a foreign country, the leave of the Ambassador shall be obtained before the marriage is solemnized in the embassy house in that country.

6. For the purpose of marriages to be solemnized by or before a consular officer who is a marriage officer, every place within the curtilage or precincts of the house in which such officer is for the time being resident, or of the building which is for the time being used for the purpose of his office, shall be part of the official house of such marriage officer, and every place to which the public have ordinary access in such official house shall be deemed to be part of the office of such marriage officer.

7.—(1) The modifications contained in articles 8 to 17 of these Regulations of the requirements of the Foreign Marriage Act as to residence and notice shall have effect in cases where both parties have not dwelt within the district of the marriage officer by or before whom the intended marriage is to be solemnized.

(2) Where the provisions of these Regulations as to residence and notice have been complied with, or where the permission of the Secretary of State has been given, the marriage may be solemnized under the said Act in the official house of a marriage officer.

8. Where one party only has resided for a period of not less than one week within the district of the marriage officer by or before whom the intended marriage is to be solemnized, notice shall be given by that party to such marriage officer. The notice shall state the particulars, and be in the form given in Form No. 1 of the Schedule to this Order.

9. If the non-resident party has dwelt in a place in the United Kingdom, notice shall be given by that party in like manner and on payment of the like fee as if that party were about to be married in that place, and in England or Ireland shall be given to the Superintendent Registrar or Registrar, and in Scotland shall be given by proclamation of banns; and the Superintendent Registrar or Registrar shall deal with the notice and give a certificate for marriage in like manner and on payment of the like fee as in the case of a marriage in his district: and the Session Clerk of the parish in which the banns were proclaimed in Scotland shall, in like manner and on payment of the like fee as in the case of a marriage in his district, give a certificate of proclamation of such banns.

10. If the non-resident party has dwelt in any part of His Majesty's dominions outside the British Islands, notice shall be given by that party—

(a) In accordance with any law of that part of His Majesty's dominions or, in the case of India, of the Governor-General of India in Council, as the case may be, giving effect to these Regulations, or to any repealed or future Order in Council under the Foreign Marriage Act; or

(b) In like manner as if the party were about to be married in that place; and a certificate by a marriage registrar or other like officer, of the giving of such notice, shall be obtained by such party, subject always to the law in force permitting of such notice being given and to the said officer being empowered to issue such certificate.

11. A law enacted by the Governor-General of India in Council or by the Parliament or Legislature of any part of His Majesty's dominions outside the British Islands other than British India shall be deemed to give effect to these Regulations or to any repealed or future Order in Council under the Foreign Marriage Act if it makes provision (in whatever terms expressed) as follows:—

- (1) That a notice of a marriage intended to be solemnized under the Foreign Marriage Act may be given by one of the parties intending such marriage who has had his or her usual place of abode for a period of not less than one week immediately preceding in some place in India or in such part of His Majesty's dominions (as the case may be) to such marriage registrar or other officer as may be designated by the law in this behalf ;
- (2) That such notice shall be published either by proclamation of banns or in such other manner as the law may provide ; and
- (3) That such marriage registrar or other officer, unless he is aware of any impediment or objection which should obstruct the solemnization of the marriage, shall, on payment of such fee, if any, as the law may provide, give a certificate that the said notice has been so given and published as aforesaid.

12. If the non-resident party has dwelt in the district of a marriage officer in a foreign country, notice shall be given by that party and entered and posted up by the marriage officer in the manner and during the period provided by the Foreign Marriage Act, in like manner as if the marriage were to be solemnized by or before such marriage officer, and such marriage officer shall, on payment of the proper fee, give a certificate that the notice has been so given and posted up, and that he is unaware of any impediment which should obstruct the solemnization of the marriage.

13. If the place in a foreign country at which the non-resident party has dwelt is not within the district of a marriage officer, the notice to be given by that party may be given to any person authorized by the Secretary of State to receive such notices ; and such person may receive, enter, and post up such notice and give a certificate that the notice has been so given and posted up and that he is unaware of any impediment, as if he were a marriage officer.

14. Where neither party has resided for a period of not less than one week within the district of the marriage officer by or before whom the intended marriage is to be solemnized and (a) the marriage cannot conveniently be solemnized under the Foreign Marriage Act at the place where either of the parties has had his or her usual place of abode, or (b) the permission of the Secretary of State has been obtained, notice shall be given by each of the parties in the place where he or she has had his or her usual place of abode for a period of not less than one week immediately preceding the giving of such notice in the manner provided by articles 9 to 13 of these Regulations and a certificate of the giving of such notice shall be obtained, and one of the parties shall give or transmit to the marriage officer by or before whom the marriage is to be solemnized a notice stating the particulars and in the form given in Form No. 1 of the Schedule to these Regulations, and the marriage officer, if satisfied that the marriage cannot conveniently be solemnized under the Foreign Marriage Act at the place where either of the parties has had his or her usual place of abode or that the permission of the Secretary of State has been obtained, may accept the notice as if both parties had been resident within his district.

15. Where the Secretary of State is satisfied that for some good cause a party to an intended marriage has not been able to comply with the requirements of these Regulations as to notice, and is satisfied that the intended marriage is not clandestine, and that adequate notice has been given, he may give permission for the intended marriage to be solemnized.

16. In cases falling under articles 8 to 15 of these Regulations the oath, affirmation or declaration under section 7 of the Foreign Marriage Act shall in addition to the matters specified in sub-sections (a) and (c) of that section state the place where each of the parties has had his or her usual place of abode, and the notice, if any, which has been given in that place, or to the marriage officer.

17. At or before the time when a non-resident party appears before the marriage officer and makes the oath under section 7 of the Foreign Marriage Act, he or she shall, unless the marriage is solemnized with the permission of the Secretary or State, give or transmit to the marriage officer the certificate that the notice prescribed by these Regulations has been given at the place where such party has had his or her usual place of abode.

18.—(1) A marriage solemnized in accordance with the local law of a foreign country shall not be registered under section 18 of the Foreign Marriage Act, except by a consular officer, who is a marriage officer, or is for the time being authorized by the Secretary of State to register such marriages.

(2) A consular officer shall not be required to satisfy himself by personal attendance that a marriage has been duly solemnized in accordance with the local law unless the marriage is solemnized at the place where he is appointed to reside, or unless the proper fee has been previously paid to him.

(3) The consular officer shall forthwith, after he has by personal attendance satisfied himself as to the solemnization of the marriage, register the marriage in duplicate in books furnished to him for the purpose by the Registrar-General through a Secretary of State separate from any register books provided for marriages solemnized by him, and shall register the same in accordance with section 9 of the Foreign Marriage Act, save that if the person by whom the marriage has been solemnized declines to sign the same, the consular officer shall enter the name of that person, and the fact that he declines to sign the same.

(4) The consular officer shall transmit copies and the certificate and the book when filled in manner provided by section 10 of the Foreign Marriage Act.

19.—(1) A Secretary of State, by a written authority under section 11 of the Foreign Marriage Act, may authorize a person to act in the place of a High Commissioner or Resident mentioned in that section, outside of His Majesty's dominions.

(2) If a Secretary of State gives such authority, or, in pursuance of the said section, authorizes any High Commissioner, Resident, or other officer outside His Majesty's dominions, not being an Ambassador or a consular officer, to be a marriage officer, then, for the purpose of marriages solemnized and registered by or before any High Commissioner, Resident, or officer, or person so authorized, expressions in the Foreign Marriage Act shall be construed as follows:—

- (a) Expressions referring to the district of a marriage officer shall be construed to refer to the district for which such High Commissioner, Resident, officer, or person is authorized to act for the purpose of the Foreign Marriage Act.
- (b) The expression "official house of a marriage officer" shall be construed to refer to the building or part of a building or place specified in the document by which he is authorized to act.
- (c) The expression "office", when used with respect to the place at which any act or thing shall or may be done, shall be construed to refer to such portion of the building, part, or place so specified as is ordinarily accessible to the public.

20.—(1) Marriages, under the Foreign Marriage Act, on board one of His Majesty's vessels may be solemnized by or before a commanding officer of such rank and of such vessel as is for the time being authorized for that purpose by or in pursuance of any Admiralty instructions; and for the purpose of any such marriages a commanding officer so authorized shall, without any written warrant, be a marriage officer, and for the purpose of such marriages expressions in the Foreign Marriage Act shall be construed as follows:—

- (a) Expressions referring to a district of a marriage officer shall be construed to refer to such parts of the foreign station to which the commanding officer is attached as may be specified in that behalf by Admiralty instructions.
- (b) The expression "official house of a marriage officer" shall be construed to refer to the vessel of the said commanding officer.
- (c) The expression "office", when used with respect to the place where any act or thing shall or may be done, shall be construed to refer to the part of the ship on which public notices are affixed.

(2) The commanding officer, before he solemnizes a marriage, shall be satisfied that, at the port or place where the marriage is solemnized, sufficient facilities do not exist for the solemnization of the marriage on land, either in accordance with the local law of the country or in accordance with the Foreign Marriage Act.

(3) The requirements of the Foreign Marriage Act as to residence and notice shall be modified as follows, namely, not less than three weeks' notice of the intended marriage must have been given in such public manner, or to such relatives or friends of the parties, as satisfies the commanding officer that as much notice of the intended marriage has been given

as would be given if the marriage took place in England, and that the marriage is not clandestine.

21. The forms in the Schedule to this Order, or forms to the like effect, shall be used in all cases to which they are applicable.

22. In these Regulations the expression "Ambassador" includes Minister and chargé d'affaires; "embassy" includes legation; "consular officer" includes a consul-general, consul, vice-consul, pro-consul, consular-agent, and any person for the time being authorized to discharge the duties of consul-general, consul, vice-consul, or consular agent; "British Islands", "British India", and "India" have the same respective meanings as are given to these expressions by section 18 of the Interpretation Act, 1889.

Other expressions have the same meaning as in the Foreign Marriage Act.

23. This Order shall come into operation on the twenty-third day of March, 1914, and from and after that day "The Foreign Marriages Order in Council, 1892," "The Foreign Marriages Order in Council, 1895," and "The Foreign Marriages Order in Council, 1903," are repealed.

Provided that (a) any notice of an intended marriage, any caveat, any consent, or any permission of the Secretary of State, given under one of the above Orders shall be deemed to be good under these Regulations; (b) any proceedings taken with reference to a marriage, any register book kept, and any warrant or authority issued in pursuance of any of the above Orders shall have effect as if taken, kept, or issued under these Regulations.

24. This Order may be cited as "The Foreign Marriage Order in Council, 1913."

And the Right Honourable Sir Edward Grey, Baronet, K.G., the Right Honourable Lewis Harcourt, and the Most Honourable the Marquess of Crewe, K.G., three of His Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

Almeric FitzRoy.

SCHEDULE.

FORMS.

No. 1.—Notice of Marriage.

To the [British consul-general or consul or vice-consul] at

I hereby give you notice that a marriage is intended to be had within three calendar months from the date hereof between me and the other party herein named and described (that is to say):—

Name and Surname.	Condition.	Rank or Profession.	Age.	Residence.	Length of Residence.
A. B.	Bachelor		Of full age.....		
C. D.	Spinster		Minor		

Witness my hand, this day of

(Signed) *A.B. or C.D.*

No. 2.—Form of Oath.

I, *A. B.*, of , make oath and say as follows:—

1. A marriage is proposed to be solemnized between me and *C. D.*
2. I believe that there is not any impediment in kindred or alliance, or other lawful hindrance to the above marriage.
3. Both I and *C. D.* have for three weeks immediately preceding this date had our usual place of abode within the district of [*here insert the official title of the marriage officer, and, in the case of a consular officer, the place where he is appointed to reside*], that is to say, I at , and *C. D.* at .

4. Neither I nor *C. D.* is under the age of 21 years; [*or as the case may be, I am under the age of 21 years, but I am the widow of E. F., who died on the day of*], [*or I am under the age of 21 years, and the consent of G. H., whose consent is required to my marriage, is given as shown by the writing under his hand now shown to me and marked*].

NOTE.—Where one party only has dwelt within the district of the marriage officer before whom the oath is made, the form of paragraph 3 of the oath by that party will be as follows:—

I have for three weeks immediately preceding this date had my usual place of abode within the district of [*here insert the official title of the marriage officer, and, in the case of a consular officer, the place where he is appointed to reside*], namely, at , and to the best of my knowledge and belief *C. D.* has, within three months immediately preceding this date, namely, from the day of to the day of , had his [*or her*] usual place of abode at , and has there given notice of our intended marriage, as appears by the certificate now shown to me and marked .

And the form of paragraph 3 of the oath by the non-resident party will be as follows:—

I have within three months immediately preceding this date, namely, from the day of to the day of , had my usual place of abode at , and have there given notice of our intended marriage, as appears by the certificate now shown to me and marked , and to the best of my knowledge and belief *A. B.* has for three weeks immediately preceding this date had her [*or his*] usual place of abode within the district of [*here insert the official title of the marriage officer, and, in the case of a consular officer, the place where he is appointed to reside.*]

Where neither party has dwelt within the district of the marriage officer before whom the oath is made, the form of paragraph 3 of the oath by each party will be as follows:—

I have within three months immediately preceding this date, namely, from the day of , to the day of , had my usual place of abode at , and to the best of my knowledge and belief *C. D.* [*A. B.*] has within those three months, namely, from the day of to the day of , had her [*or his*] usual place of abode at , and notice of our intended marriage has been given at those places, as appears by the certificates now shown to me and marked respectively and .

Where a Secretary of State has been satisfied that adequate notice has been given, and has given permission for the solemnization of the marriage, the form of so much of paragraph 3 of the oath as relates to the notice of the intended marriage will be as follows:—

A notice of our intended marriage has been given by [*here state what notice has been given*] as appears by the certificate [*or other evidence of the notice*] now shown to me and marked , and a Secretary of State has been satisfied that such notice is adequate and has given permission for the marriage to be solemnized.

N.B.—Any person entitled, under 51 and 52 Vict., cap. 46 (“the Oaths Act, 1888”), or otherwise, to affirm or declare, may make an affirmation or declaration in lieu of an oath.

No. 3.—Form of Certificate of Notice.

I, *A. B.*, British consul [*or as the case may be*], of , hereby certify that on the day of , 19 , I received the following notice of marriage [*here insert the words of notice*], and that such notice was entered and was posted up in my consulate in the manner and during the period provided by the “Foreign Marriage Act, 1892,” as if the marriage was to be solemnized in my consulate, and that I am not aware of any impediment which should obstruct the solemnization of the above marriage.

No. 4.—Certificate of Copy of Register.

I , [consul, or, as the case may be] residing at , do hereby certify that this is a true copy of the entries of marriages registered in my office, from the entry of the marriage of *A. B.* and *C. D.*, number one, to the entry of the marriage of *R. S.* and *T. V.*, number fourteen.

Witness my hand and seal, this day of , 19 .

(Signature and official seal of the marriage officer.)