

## M17 Solemnization

1. When conducting the pre-marriage interview, the registrar should pay particular attention to the following points:

a. The marriage can only take place in the place specified in the notices of marriage and certificates of the superintendent registrar(s). If the name or address of the venue shown on the superintendent registrar's certificates differs from the name or address in which the marriage is about to take place, the marriage must be stopped and the matter referred to the superintendent registrar.

Superintendent registrars should note that there are two circumstances in which the marriage may proceed even if the name differs as above :

(i) if the name of an approved premises has changed in the local authority register of approved premises since the superintendent registrars certificates were issued, the validity of these certificates is not affected and the name shown on those certificates should be entered in the marriage register entry provided the holder of the approval is in agreement.

(ii) if the change is covered by transitional Scheme provisions. (such as a county merger of districts which abolish one or more registration districts) provided notice was given prior to the date of the scheme change.

b. If the prescribed interval of 28 clear days has not elapsed between the day on which the notice was entered on RON and the day of the marriage, the ceremony must be postponed, unless the Registrar General has agreed to reduce the 28 day waiting period (see M16).

c. The registrar should check that the superintendent registrar's certificates are valid at the date of the marriage. The certificates expire after 12 months from the date of entry of the notice on RON except where one notice was given in Scotland (see M12), where the notice was given by a housebound or detained person (see M10) and where the marriage is by Registrar General's License or under Section 39A of the Marriage Act (see M16)

d. If the certificate has not been signed by the superintendent registrar who issued it, the registrar may allow the marriage to proceed but must ensure that the certificate is signed as soon as possible by the appropriate person.

e. The registrar must question each party directly, not by reading over the certificate and then simply asking if it is correct, to determine their full and accurate name(s) and surname. If there is any discrepancy between the name and surname now given and those appearing on the superintendent registrar's certificate, the registrar must question that party further. A major discrepancy in either the name or surname should not prevent the marriage from proceeding if it can be satisfactorily explained. In cases of doubt the marriage should proceed.

f. The registrar must establish the condition of each party. The specific question to be put to each party is 'Have you been through any form of marriage or civil partnership before, in this or any other country?' If there is any discrepancy between the condition given in the reply and that shown on the superintendent registrar's certificate the registrar must question that party further. If the identity of the party is not affected by the discrepancy and evidence in accordance with M8 is produced to confirm that the party is free to marry, the ceremony may proceed. [Where the evidence produced relates to a divorce, annulment, or nullity obtained outside of the British Islands \(the UK, Channel Islands or the Isle of Man\) a fee is payable for consideration of the documentation \(see M8.12 – M8.16.\)](#) Where the evidence produced relates to a divorce or final order of dissolution obtained outside the British Islands or the countries listed at M8.20, the General Register Office (Casework Call Team) should be contacted for advice. There may also be occasions where the couple has been through a blessing or commemorative ceremony shortly before the civil ceremony which is not capable of recognition. Such ceremonies will not alter the marital condition of the couple. See also paragraph 34.

g. If the information was not collected when the notices were given, the registrar should ask the parties for the names and occupations of their fathers. Parties would usually be expected to provide the names of their father or adoptive father. However, there may be occasions where a party wishes to show the name and occupation of a step-father instead. If, despite the difficulties that might arise in future concerning their identity, he or she wishes to have the name and occupation of a step-father inserted in the marriage register, it should be noted on the superintendent registrar's certificate, providing the step-father is, or has been married to their natural (or adoptive) mother. Where a woman was authorised by a Court to be the sole adopter, the name and surname of that woman may, at the request of the party, be entered. If the party shows any reluctance to give particulars, the registrar need not press his enquiries.

h. Where the couple were required to produce a photograph (as detailed in M5:18-19) the photograph template should be attached to superintendent registrar's certificate. The registrar should compare the likeness in the photograph with the person being interviewed. If the registrar has any serious

concerns that the photograph does not relate to the person that they are interviewing then they should refer the matter to the superintendent registrar, who may decide to contact GRO (Casework Call Team: 0300 123 1837) for further guidance. Unless the identity of a person is in doubt the marriage should be allowed to proceed. The absence of the photograph template at the ceremony would not prevent the marriage from proceeding providing everything else is in order, however GRO (Casework Call Team) should be advised when this occurs.

2. If the registrar discovers the existence of a legal impediment to any marriage that he is attending he must not allow the marriage to proceed. If it appears to the registrar that one party may be under duress and may not wish to proceed with the marriage of his/her own free will or is incapable of validly consenting to be married, the registrar should follow the instructions given to superintendent registrars in paragraph 26 below.

If any false statement of particulars in relation to either party is discovered before the contracting words are spoken, the registrar should not allow the marriage to proceed until the facts are established. The appropriate action in accordance with the preceding paragraphs should then be taken. Where the registrar suspects that there has been willful mis-statement or an attempt to deceive, the circumstances should be reported to the Registrar General as a possible offence under the Perjury Act.

## **Mental Capacity**

22. Where, at the time notice was taken, the registration officer attesting the notice had concerns with either party's mental capacity to marry, these concerns must be raised with the superintendent registrar. If the registration officer has any concerns at any stage, each party should be interviewed separately and alone at the pre marriage questioning, to confirm the particulars of the marriage to be recorded (see M5.5).

If, as a result of the questioning and observation of the party, the registrar believes that the party is unable to understand the nature of marriage and the duties and responsibilities attached to marriage (see M5.10), those concerns should be brought to the attention of the superintendent registrar who should decide whether the marriage should proceed.

The Registrar General and local authority must be informed of every instance of this kind where the marriage is stopped. Where the couple are seen together (there having been no concerns with each party's mental capacity to marry at the time notice was taken), the registrar should remember that each party should be able to understand the nature of the contract of marriage and be mentally capable of understanding the duties and responsibilities that are normally attached to marriage (see M5.10).

In case of concerns that become apparent at any time between the giving of the notice of intention to marry and the pre marriage questioning (there may be concerns raised by the family or social services for example), the superintendent registrar should be made aware and the couple interviewed separately (see M5.13) before deciding whether the marriage should proceed. If the marriage does not proceed, the Registrar General and the local authority must be informed.

23. If a superintendent registrar is of the opinion that either of the parties to a marriage does not understand the nature of the marriage contract due to mental disorder or the influence of drugs or alcohol, to such an extent that he or she is incapable of appreciating the nature of the contract, it is the superintendent registrar's duty to stop the proceedings.

24. It is essential that a valid marriage is a voluntary act of both parties. If a superintendent registrar considers that either party is not entering into the marriage of his or her own free will – a “forced marriage”, it is his duty to defer or stop the proceedings until he is satisfied by personal questioning of the party concerned that it is his/her wish to proceed with the marriage. The signs a registration officer may take into account might include:

- (i) either party may show signs of emotional distress
- (ii) either party may show signs of physical harm or assault
- (iii) one party may be doing all the talking or showing reluctance to let the other party be spoken to alone
- (iv) the parties are unable to converse in the same language
- (v) an allegation of a forced marriage may have been made by third party

A registration officer who suspects that the party entering into the marriage is doing so against his or her will should enquire whether he or she wishes to proceed and offer to contact the Forced Marriage Unit on 0207 008 0151 to see whether any support may be available if they do not wish to do so. In such cases it may be necessary to insist on interviewing the party alone and to obtain a written and signed confirmation that he/she is entering into marriage voluntarily. The Registrar General should be informed of every case of this kind where the marriage has had to be deferred or stopped.