

M6. Completing a notice

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Annex A: Examples of notices of marriage

1. Standard notice both parties over 18, Bride has produced current British passport and a recent gas bill as evidence of her name, surname, date of birth, nationality and residence
2. Marriage in a registered building which is the usual place of worship of the bride. The bride is also under 18 and has obtained her mother's consent. Bride has produced her birth certificate as evidence of nationality and her father's passport and recent bank statement.
3. Notice given at a specified registration district (designated register office) where party 1 has produced a Nigerian passport containing a marriage visa and a recent council tax bill produced as evidence of residence.
4. Notice given at a specified registration district (designated register office) where the notice giver has produced a Turkish passport with a student visa stamp and will therefore be subject to referral to HOI. The notice fee for parties who are subject to HOI scheme is shown on the reverse of the notice. Neither party live in the district and the marriage is to be solemnised in a different district to where they both reside and have given notice. Party 1 is 17 when notice is given but will be 18 before the certificate is due.
5. A couple both of whom are British nationals have given notice to marry in a registered building in which neither of them reside. The building is the usual place of worship for the bride. The groom has been married previously and divorced. The bride has produced her British passport as evidence of name, date of birth and nationality. She is able to produce a letter from her landlord as evidence of her place of residence.
6. The couple are both of the Jewish faith and the marriage will take place in an approved premise according to the rites and ceremonies of the Jews. The bride has produced her naturalisation certificate as evidence of her nationality and her driving licence to support the current use of her name and surname and her place of residence.
7. A couple are British/EEA Nationals respectively who are to have a religious marriage outside the district if residence of both parties (i.e. under section 35(1) of

the Marriage Act 1949 - see declaration 1 on the reverse of the notice). Groom has produced current passport and recent utility bill.

8. Notice given at a non specified registration district (a local register office) where the groom has produced an Indian passport with Right of Abode. Both parties live in the district and the marriage is to be solemnised in an approved premise within the same district. The groom has been previously married and divorced in India and the evidence is recorded on the reverse of the notice.

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General

Central Database System: <REDACTED>

2. This chapter contains general information about the notice taking procedure. Specific instructions about the different notice types can be found in the relevant handbook chapters.

3. <REDACTED>

4. Section 28B of the Marriage Act 1949 gives the superintendent registrar the power to require evidence relating to:-

- (i) the person's name and surname
- (ii) the person's date of birth
- (iii) condition (marital or civil partnership status)
- (iv) the person's place of residence
- (v) nationality

Where evidence at (i), (ii) and, (iv) and (v), (see M5.28 for guidance on the action to take in the absence of documentation) is not produced, the notice is unfinished.

<REDACTED>

Taking a first notice

7. Before taking the notice, the superintendent registrar should establish whether it is the first or second notice of marriage. If the parties attend together to give notice then it is probable that no notice has been given previously. However, if only one party attends to give notice the superintendent registrar should check to see if a first notice has already been given by <REDACTED>

8. <REDACTED>

The option to add a second notice is given once the first notice has been entered will be given when;

- i) both parties are resident in the same registration district, or
- ii) one or both parties to the marriage are subject to immigration control and notice is given in a specified registration district – also known as a designated register office.

9. < REDACTED >

Merging two first notices

11. In the unlikely event that two first notices are taken for the same couple, instead of a first and a second notice, it will be necessary for one of the notices to be made a second notice. The superintendent registrar who discovers the occurrence should liaise with the other superintendent registrar, if notices were given in different districts, to decide which notice should become the second notice. < REDACTED >

Taking a second notice

12. Where both parties reside in different registration districts, or the notices are given at different times and the first notice has already been given, the second notice can be added < REDACTED >

Party(ies) subject to immigration control (See M3.4)

13. < REDACTED >

14. Each party to the marriage is required to make a statement, which will print on the front of the notice of marriage as to their immigration status and also state the immigration status of the person they are marrying.

< REDACTED >

The superintendent registrar must establish the immigration status of both parties to the marriage < REDACTED >

A British/EEA/Swiss national will be required to complete a Form 49, 49A, or the bilingual versions of these forms, if they are getting married to a non-EEA national. In all other circumstances a Form 48 or 48A or the bilingual versions of these forms are to be used.

15. < REDACTED >

Parties not subject to immigration control (See M3.2)

16. < REDACTED >

Manual notices

17. In the event of a system failure, the following notice forms should be used to take a notice manually:

- i) Form 48, to be used in all cases where both parties are British/EEA/Swiss nationals and are aged 18 or over. The notice will be valid for either one, three or twelve months, depending under which provisions it is being given. Form 48A is used as above but where one or both parties is under the age of 18.
- ii) Form 49 will be used by a superintendent registrar/deputy superintendent registrar of a;
 - specified registration district – also known as a designated register office for both parties when one or both of them is subject to immigration control.
 - non designated (or 'local') register office for both parties when one or both of them is non-EEA national and has:
 - a. Right of abode
 - b. Diplomatic or military documentation.

The notice will be valid for either three or twelve months, depending under which provisions it is being given. Form 49A is used as above but where one or both parties is under the age of 18.

- iii) Form 44, to be used for a marriage by Registrar General's licence (see M11).

- iv) Form 267, to be used where a United Kingdom national wishes to give notice to marry in a foreign country (see M13. 36-50).

18. < REDACTED >

Date of Birth

20. < REDACTED >

21. Care should be taken to ensure that no person under the age of 16 marries. Notice may be accepted if a party is 15 years old but will be 16 on or before the date on which the certificate for marriage becomes due for issue. < REDACTED >

Church or other building or residence in which the marriage is to be solemnized

22. < REDACTED > when the notice is being taken manually, the name of the church, chapel, registered building, register office, approved premises, Friends' meeting house, Jewish synagogue, or other place in which the marriage is to be solemnized, as well as the locality in which it is situated, must be fully and accurately described.

24. For a marriage in a register office where the name of the registration district differs from the name of the place where the register office is situated, the name of the district, as well as the locality of the office, should be stated in the notice.

25. In the case of a church or chapel of the Church of England or the Church in Wales, a registered building or approved premises, the building should be described as shown in the Registrar General's Official List, followed by the name of the locality. Where there are two buildings in the district with a similar description, registration officers should be certain in which building the parties wish to marry and should enter the exact description of the building in the notice, otherwise difficulty may arise at the time of the marriage.

26. Where the marriage is to take place in a church or chapel of the Church of England or Church in Wales the superintendent registrar must be satisfied that it is one in which banns of matrimony may be published (see M4.27) and that the couple are entitled to be married there (see M4.27-28).

27. When notice is given of a marriage to be celebrated in:

- i) a registered building outside the district(s) of residence which is the usual place of worship of one or both of the parties; or,
- ii) in a church or chapel of the Church of England or the Church in Wales, on the basis that it is the usual place of worship of one or both of the parties (see M4.29),

< REDACTED >

28. Where a non-EEA national is to marry in a chapel of the Church of England or church in Wales they are unable to have ecclesiastical preliminaries i.e. banns or common licence, and have to give notice of marriage at a specified registration district (also known as a designated register office).

< REDACTED >

Name and surname

30. The superintendent registrar should enter the name and surname the party is known by at the time when notice is given.
31. < REDACTED >

Condition

38. Careful questioning about the condition of the parties is essential. The person giving notice should be asked whether either of the parties has been through any form of marriage or civil partnership before in this or any other country. One of the following descriptions should be selected as appropriate:
- a. **Single** for a person who has never been married or registered a civil partnership.
 - b. **Widower** or **Widow** for a person whose former marriage has been terminated by the death of the spouse.
 - c. **Surviving civil partner**, for a person whose former civil partnership has been terminated by the death of their civil partner.
 - d. **Previous marriage dissolved** for a person whose former marriage has been terminated by a decree of divorce.
 - e. **Previous civil partnership dissolved** for a person whose former civil partnership was ended by dissolution.
 - f. **Previous marriage annulled** where the former marriage was voidable and has been annulled with final effect by decree of the Court where the decree nisi was made on or after 1 August 1971. Where the decree nisi was made before 1 August 1971 use the condition immediately before the marriage.
 - g. **Previous civil partnership annulled** for a person whose former civil partnership was voidable and has been annulled with final effect by order of the court.
 - h. **Previously married at on ... Marriage dissolved on.....** where the parties have previously been through a form of marriage with each other, the marriage is not known to have been null and void and has been terminated by divorce and neither party has since married a third person. When this condition is selected, the fields will enable to allow the place and date of the previous marriage and the date of the divorce to be entered. If the notice is taken manually, the description should be written once to cover both parties.
 - i. **Previously married at on.... Marriage annulled on** where the parties have previously been through a form of marriage with each other, the marriage is not known to have been null and void and has been terminated by annulment and neither party has since married a third person. When this condition is selected, the fields will enable to allow the place and date of the

previous marriage and the date of the annulment to be entered. If the notice is taken manually, the description should be written once to cover both parties.

j. **Previously went through a form of marriage at on** where the parties have previously been through a form of marriage with each other, the marriage is not known to have been null and void, neither party has since married a third party and this second ceremony is to be performed to avoid doubt as to the validity of the previous ceremony. When this condition is selected, the fields will enable to allow the place and date of the previous ceremony to be entered. If the notice is taken manually, the description should be written once to cover both parties. See also M2.13 to 15.

39. There may be occasions where the parties to an opposite sex marriage have validly registered a civil partnership with each other, the civil partnership has been ended by order of dissolution or annulment and there has been no marriage or civil partnership with a third person. The dissolution/annulment in these cases will be because one of the parties has changed gender under the Gender Recognition Act 2004. Referring to the previous civil partnership in the notices and the registration will disclose that one of the parties has changed gender, although it would not identify which one. In these circumstances, the descriptions at e. and g. above should normally be used. However, where both parties specifically request that the notices and registration refer to their previous civil partnership, one of the following descriptions may be used. It must be made absolutely clear to both of them that these descriptions will disclose that one of them has changed gender. If they still wish to proceed, they should be asked to jointly sign a statement acknowledging that they are both aware of this disclosure and they both want the description.

a. **Previously formed a civil partnership at on Civil Partnership dissolved on.....** where the parties have previously formed a civil partnership with each other, the civil partnership is not known to have been null and void and has been terminated by a final order of dissolution and neither party has since married or registered a civil partnership to a third person. When this condition is selected the fields will enable to allow the place and date of the previous ceremony to be entered. If the notice is taken manually the description should be written once to cover both parties.

b. **Previously formed a civil partnership at on.... Civil Partnership annulled on** where the parties have previously been through a form of civil partnership with each other, the civil partnership is not known to have been null and void and has been terminated by annulment and neither party has since married a or formed a civil partnership to a third person. When this condition is selected the fields will enable to allow the place and date of the previous ceremony to be entered. If the notice is taken manually the description should be written once to cover both parties.

There may be occasions where the parties to a same sex marriage have validly registered a civil partnership with each other, the civil partnership has been ended by order of dissolution or annulment and there has been no marriage or civil partnership with a third person. In these circumstances, the descriptions at 38 e and g or 39a or b should be used at their request.

40. Where the previous marriage or civil partnership was null and void, the description to use is that of the condition immediately before the void marriage or civil partnership; this instruction applies whether or not a decree or final order of nullity has been obtained. The superintendent registrar should be careful to enquire

whether the party concerned has been through any other form of marriage or civil partnership before or after the void marriage or civil partnership.

41. If it is alleged that the previous marriage took place in this country and the proposed marriage is being performed because the formalities required by English law were not properly observed, the instructions at M2.11-16 should be followed.

42. Where a decree or final order of nullity has been granted by a court outside England and Wales and it is not clear whether the marriage or civil partnership was void, the description 'Previous marriage/civil partnership annulled' should be selected provisionally on the notice to be submitted to GRO with the decree. GRO will advise if the description is incorrect.

43. If it is alleged that the parties have previously been married to one another abroad, and that marriage has not been dissolved but that there is a possible informality in the marriage, the superintendent registrar may only accept notice subject to the production of documentary evidence of the solemnization of the former marriage together with a statement in relation to the marriage. The statement should explain why, in spite of the informality, their marriage is capable of recognition ([i.e failure to comply with the law of the country may not invalidate the marriage](#)). The evidence and the statement should be sent to First Point of Contact for advice (see Appendix 13). It may also be necessary for the couple to obtain a legal opinion setting out in view of the informality, the grounds on which it is considered that the marriage is capable of recognition, see M2.12 to 15. The condition of the parties should be described as 'Previously went through a form of marriage at on'.; this condition should not be used in any other circumstances. If evidence is provided to support the marriage not being capable of recognition the marital condition should be recorded as it was prior to this ceremony.

44. < REDACTED >

Occupation

45. Gainful occupation, and if appropriate, rank or profession, should be established as precisely as possible and a simple, accurate description should be agreed with the person giving notice.

Where detailing a person's occupation as above may have security implications, registration officers should discuss the option of using an alternative term, e.g. Government Official or Government Service.

Where either party has a non-gainful occupation (e.g. Home duties), this may be recorded if requested.

If either party does not have an occupation, the field should be left blank. When the notice is printed a line will print in the appropriate box.

Further guidance on the recording of occupations is contained at Appendix 4.

46. The description of the name, rank and profession of Peers and other titled persons should be entered in accordance with the wishes of the person giving notice. Any title, such as Lord or Lady can be entered in the prefix field on the name and surname screen. Alternatively, 'Peer of the Realm' would generally be appropriate for entry in the field for occupation where this is required to be recorded. If the Peer

holds any Order of Knighthood or any public office or is engaged in any profession or occupation that should also be entered in accordance with the information given.

Nationality

47. The superintendent registrar should ask the person giving notice to declare the nationality of both parties. A list of nationalities is available to select from but if the nationality is not listed, or either party has dual nationality the information can be typed directly in the nationality field. A party who claims to be 'Stateless' should be recorded as such.

48. If the notice giver cannot produce evidence of nationality, the notice may only be saved as unfinished.

49. < REDACTED >

Place of residence

50. < REDACTED >

Period of residence

52. < REDACTED >.. If the notice is taken manually and if either party has resided in the registration district for more than a month, 'More than a month' should be entered in the notice; otherwise the precise period should be stated in days.

Reverse of the notice

Father's details

53. Details relating to the name and occupation of both parties' fathers may be entered in the notice. It may avoid embarrassment if this is done at this stage, instead of being left to the pre-marriage questioning. 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. The superintendent registrar should point out the difficulties that might arise in future concerning their identity, but if they still wish to have the name and occupation of a step-father in the notice and subsequent marriage entry then the superintendent should comply with the request, provided that the step-father is, or has been, married to the natural or adoptive mother.

< REDACTED >

Details relating to Party 2

56. Once the notice details have been completed for the first party, the fields should be completed for the second party in accordance with the instructions in the preceding paragraphs.

Additional information

57. If anything other than a standard notice has been taken, for example, a housebound and detained notice, the appropriate additional fields will be enabled on

the 'Additional info' screen. Further information can be found in the relevant handbook chapters.

Immigration Info

58. < REDACTED >

Referral to Home Office Immigration

60. < REDACTED >

Home Office Immigration will contact the couple (and update the registration district – see M16 for further guidance on this process) before the 28 day waiting period has expired to advise them that the waiting period has been extended to 70 days. In instances where the Home Office extend the waiting period they will also write to the couple to advise if they have complied with their investigations.

Submitting the notice

61. < REDACTED >

The declaration

63. < REDACTED >

Signature and attestation

67. Before the declaration on the notice is signed, the attesting registration officer should ask the notice giver to check it thoroughly. If the registration officer has any reason to believe that there may be some lawful impediment to the proposed marriage, or that the declaration about to be made would be false, he should refuse to allow the notice to be signed until satisfactory evidence that no impediment exists is provided or he is satisfied that the details provided are true. The registration officer should also impress upon the party the serious nature of the declaration about to be made and point out that, if the declaration is false, the person giving notice will be liable to prosecution for perjury. In the case of someone who cannot read, or who has a limited knowledge of the English language, this can be done by means of simple words or explanation rather than by using the technical language of the last two paragraphs of the declaration.

68. When witnessing and attesting signatures to notices of marriage, the registration officer should take responsibility for the information the notices contain. It is not merely a formal act and should not be likened to the witnessing of the signature to a deed or other legal instrument. A registration officer who attests a notice containing a false statement which he ought to have detected, but did not, would not be acting competently.

69. Once the registration officer is satisfied that the notice is correct, the party giving notice should be asked to sign it. The registration officer should then attest the signature by signing the notice himself, adding his official description and the name of the registration district. Where appropriate, the party should be warned that the notice is accepted subject to the production of any necessary documentary evidence.

70. < REDACTED >

Annex A: Examples of notices of marriage

1. Standard notice both parties over 18, Bride has produced current British passport and a recent gas bill as evidence of her name, surname, date of birth, nationality and residence
2. Marriage in a registered building which is the usual place of worship of the bride. The bride is also under 18 and has obtained her mother's consent. Bride has produced her birth certificate as evidence of nationality and her father's passport and recent bank statement.
3. Notice given at a specified registration district (designated register office) where party 1 has produced a Nigerian passport containing a marriage visa and a recent council tax bill produced as evidence of residence.
4. Notice given at a specified registration district (designated register office) where the notice giver has produced a Turkish passport with a student visa stamp and will therefore be subject to referral to HOI. The notice fee for parties who are subject to HOI scheme is shown on the reverse of the notice. Neither party live in the district and the marriage is to be solemnised in a different district to where they both reside and have given notice. Party 1 is 17 when notice is given but will be 18 before the certificate is due.
5. A couple both of whom are British nationals have given notice to marry in a registered building in which neither of them reside. The building is the usual place of worship for the bride. The groom has been married previously and divorced. The bride has produced her British passport as evidence of name, date of birth and nationality. She is able to produce a letter from her landlord as evidence of her place of residence.
6. The couple are both of the Jewish faith and the marriage will take place in an approved premise according to the rites and ceremonies of the Jews. The bride has produced her naturalisation certificate as evidence of her nationality and her driving licence to support the current use of her name and surname and her place of residence.
7. A couple are British/EEA Nationals respectively who are to have a religious marriage outside the district of residence of both parties (i.e. under section 35(1) of the Marriage Act 1949 - see declaration 1 on the reverse of the notice). Groom has produced current passport and recent utility bill.
8. Notice given at a non specified registration district (a local register office) where the groom has produced an Indian passport with Right of Abode. Both parties live in the district and the marriage is to be solemnised in an approved premise within the same district. The groom has been previously married and divorced in India and the evidence is recorded on the reverse of the notice.

M6 Evaluation of Learning

When you have finished reading this Chapter you may wish to evaluate what you have learnt by answering the following questions. The answers to these questions are at the end of the Handbook.

- Q1.** When taking a notice of intention to marry for a marriage in this country from a 25 year old British national and a 24 year old American national who is subject to immigration control (the American national holds a marriage visa in respect of the proposed marriage) what notice must be used for each party? And what additional information should you request.
- Q2.** When taking a notice for a marriage in this country from a 38 year old British national marrying a 17 year old French national, what notice must be used for each party?
- Q3.** When giving notice of intention to marry a Spanish national explains that she has been formerly known by another name that this was by usage so there is no deed poll or change of name deed. She states that she is not happy for the former name to be recorded in the notice. What advice should be given and how should her name be recorded in the notice?
- Q4.** A gentleman giving notice of his intention to marry produces a change of name deed as evidence of his new name. Closer inspection of the document shows that it has not been registered with the Central Office of the Supreme Court of Deeds at the Royal Court of Justice. How should his name be recorded in the notice?
- Q5.** A young couple attend the register office to give notice of their intention to marry. It transpires that party 2 will not be 16 years old until the day before the planned marriage. Explain if notice of marriage can be taken.
- Q6.** A gentleman attends to give notice of his intention to marry his former wife. Further questioning establishes that the couple had married each other 25 years ago, but the marriage had subsequently ended in divorce and his ex-wife then married another man. He states that his ex-wife's second husband has since died and he has not married again since his divorce. Explain how their conditions should be recorded in the notice and why.
- Q7.** A couple, both with Indian nationality attend a specified registration district (designated register office) to give notice. They both have indefinite leave to remain in the UK stamped in their passports. During further questioning they advise that they married each other in a Hindu ceremony in India and they have a certificate to show this. They believe that it is valid in India but they would like to have a UK marriage certificate. What advice would you give and if notice can be taken, how would their conditions be recorded?
- Q8.** A police officer is giving notice to marry. As his job is of a sensitive nature he does not want the fact that he is a police officer to be recorded in the notice. What advice should be given?
- Q9.** Two British nationals attend to give notice to marry in a registered Methodist Church outside of their district of residence. They advise that this building is

where they both worship. Explain if notice can be taken and if so, what is the qualifying condition that should be added to the notice?

- Q10.** When taking a notice of marriage for a couple who are marrying in a private house by the usages of the Jews, what should be added to the notice of marriage and where should it be added?
- Q11.** During the questioning of a gentleman with a British passport, he also advises that he has French nationality and he is able to produce a valid French passport to support this. Explain how his nationality should be recorded in the notice.
- Q12.** What is the validity period for a notice of marriage when one of the parties is housebound?
- Q13.** Under what circumstances would a couple be referred to Home Office Immigration and what would you need to explain to the couple?