
5. Naval Marriages

**ORDER IN COUNCIL UNDER THE NAVAL MARRIAGES ACT,
1908 (8 EDW. 7, C. 26) ADAPTING PROVISIONS OF
ENACTMENTS AND RULES AS TO PUBLICATION OF
BANNS AND ISSUE OF CERTIFICATES.**

1908 No. 1316

At the Court at Buckingham Palace, the 21st day of December, 1908.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 16th day of December, 1908, in the words following, viz. :—

“Whereas by the Marriage Act, 1823, it is enacted that all Banns ^{4 Geo. 4.} of Matrimony shall be published in an audible manner in the parish ^{c. 76.} church or in some public chapel of or belonging to such parish or chapelry wherein the persons to be married shall dwell, according to the form of words prescribed by the Rubric prefixed to the Office of Matrimony in the Book of Common Prayer, and that, wheresoever it shall happen that the persons to be married shall dwell in divers parishes or chapelries, the Banns shall in like manner be published in the church or in any such chapel as aforesaid belonging to such parish or chapelry wherein each of the said persons shall

dwelt, and that all other the rules prescribed by the said Rubric concerning the publication of Banns and the Solemnization of Matrimony and not thereby altered shall be duly observed, and that the Church Wardens and Chapel Wardens of Churches and Chapels wherein marriages are solemnized shall provide a proper book of substantial paper, marked and ruled respectively in manner directed, for the Register Book of Marriages, and that the Banns shall be published from the said Register Book of Banns by the Officiating Minister, and not from loose papers, and, after publication, shall be signed by the Officiating Minister or by some person under his direction :

7 & 8 Vict.
c. 81.
32 & 33 Vict.
c. 42.

“And whereas by the Marriages (Ireland) Act, 1844, as amended by the Irish Church Act, 1869, it is provided that all the rules prescribed by the Rubric concerning the Solemnization of Marriages shall continue to be duly observed, except as thereafter provided, by every person in Holy Orders of the Church of Ireland who shall solemnize any marriage in Ireland :

“And whereas by the said Rubric it is provided that Banns are to be published after the accustomed manner, and that, if the persons that are to be married dwell in divers parishes, the Curate of the one parish shall not solemnize matrimony betwixt them without a Certificate of the Banns being thrice asked from the Curate of the other parish :

“And whereas the accustomed manner of publishing Banns of Matrimony in accordance with the said Rubric describes each of the parties to the intended marriage as of a parish :

6 & 7 Will. 4.
c. 85.
19 & 20 Vict.
c. 119.

“And whereas it is enacted by the Marriage Act, 1836, and the Marriage and Registration Act, 1856, that every notice of marriage which shall be given under the provisions of the last mentioned Act, or of any of the therein recited Acts, shall be in the form of the Schedule A to that Act annexed, or to the like effect, and that the party intending marriage shall at the time of giving to the Superintendent Registrar, or respective Superintendent Registrars, as the case may be, such notice make and sign or subscribe a solemn declaration in writing at the foot or in the body of such notice, declaring, *inter alia*, that the parties to the said marriage, in case the marriage is intended to be had without licence, have for the space of seven days immediately preceding the giving of such notice had their usual place of abode and residence within the district of the Superintendent Registrar, or respective Superintendent Registrars, to whom such notice or notices as the case may be shall be so given, and that the Superintendent Registrar to whom any such notice of marriage shall be given, shall file all such notices, and keep them with the records of his office, and shall forthwith enter the particulars and the date thereof and the name of the party giving the same into the Marriage Notice Book, and shall cause the notice of marriage or a true and exact copy thereof as entered in the Marriage Notice Book under the hand of such Superintendent Registrar to be suspended or affixed in some conspicuous place in the office of the said Superintendent Registrar during 21 successive days next after the day of the entry of

such notice in his Marriage Notice Book before any marriage shall be solemnized in pursuance of such notice :

“And whereas by Section 2 of the said last-mentioned Act it is enacted that every person who shall knowingly or wilfully make and sign or subscribe any false declaration, or who shall sign any false notice for the purpose of procuring any marriage under the provisions of that Act or any of therein recited Acts, shall suffer the penalties of perjury :

“And whereas it is enacted by the Marriage Notice (Scotland) Act, 1878, that every notice of intended marriage which shall be given under the provisions of that Act shall be in the form as nearly as may be set forth in the Schedule A annexed to that Act, and that on the receipt of such notice the Registrar being satisfied that the notice is conformable to the requirements of that Act shall forthwith enter the particulars in the notice in “The Marriage Notice Book” therein mentioned, and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office a public notice of the intended marriage in the form set forth in the Schedule B annexed to that Act, and shall keep the same so posted or put up for seven consecutive days thereafter :

41 & 42 Vict.
c. 43.

“ And whereas by Section 10 of the said last-mentioned Act certain provisions are made with regard to the stating of objections to an intended marriage, and to the effect to be given to such objections by the Registrar :

“And whereas it is enacted by Section 14 of the last-mentioned Act that every person who shall wilfully make or sign any false declaration or sign or give any false notice of an intended marriage under the provisions of that Act shall be deemed in law to be guilty of the crime of perjury, and shall on conviction suffer the penalties attached by law to the crime of perjury :

“And whereas by the Marriage Law (Ireland) Amendment Act, 1863, it is enacted that every notice of an intended marriage given to the Registrar under the provisions of that Act, or of the Marriages (Ireland) Act, 1844, shall be in the form set forth in the Schedule A to that Act annexed, and shall state, *inter alia*, the dwelling place of each of the parties to the said intended marriage, and the time, not being less than seven days, during which each of the parties has dwelt therein, and that, when notice of a marriage has been given, the Registrar shall file the notice so given to him and keep the same with the records of his office and shall forthwith enter a true copy of the Notice in his Marriage Notice Book, and shall on the day on which he shall have received such notice, or on the following day at the latest, send by post in a registered letter a copy of the notice under his hand to the Minister of the Church, Chapel, or registered place of Public Worship stated in the notice as that in which the marriage is intended to be solemnized, and to the Minister of the Church, Chapel, or place of Public Worship which the parties to the marriage or either of them usually attend, or the Registry Office of the Society of Friends, or Secretary of a Synagogue, by whom respectively the marriage is to be registered as the case may require, and that, when

26 & 27 Vict.
c. 27.

the marriage is intended to be contracted in the office of the Registrar, he shall in addition to sending a copy of the notice to the Minister of the Church, Chapel, or place of Public Worship as aforesaid, forthwith suspend a copy of the notice, or a printed form properly and legibly filled up, in some conspicuous place in his office, and keep the same so suspended in the case of a marriage intended to be celebrated by virtue of a certificate for 21 days, and in the case of a marriage intended to be celebrated by virtue of a licence during seven days next after the date of entry of the notice, and that any party intending marriage under the provisions of that Act shall, at the time of giving the Registrar the notice required by that Act, make and sign or subscribe a solemn declaration in writing according to the form set forth in Schedule (B.) to that Act annexed declaring, *inter alia*, that the parties to the said marriage in case the marriage is intended to be had without licence, have for the space of seven days immediately preceding the giving of such notice had their usual place of abode and residence within the district of the Registrar or respective Registrars to whom such notice or notices as the case may be, shall be so given : or, in case such marriage is intended to be had by licence, that one of the parties had for the space of 15 days immediately preceding the giving of such notice had his or her usual place of abode and residence within the district of the Registrar to whom such notice shall be so given :

“And whereas by Section 15 of the last mentioned Act it is enacted that any person who shall knowingly or wilfully make any false declaration or sign any false notice required by that Act, or by the Marriages (Ireland) Act, 1844, for the purpose of procuring any marriage shall suffer the penalties of perjury :

33 & 34 Vict.
c. 110.

“And whereas by Section 41 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, it is enacted that where the Marriage is intended to be contracted in the office of the Registrar, and where there is not any Minister of the Church, Chapel, or place of Public Worship which the parties to the marriage or either of them usually attend, and where the parties to the marriage are not Jews or members of the Society of Friends, the Registrar shall cause a copy of the notice given to him to be published at the expense of the parties intending marriage, once, at least, in two consecutive weeks next after he has received such notice, in some newspaper circulating in the district in which such marriage is intended, or, if there is not any newspaper circulating in such district, then in some newspaper circulating in the county in which such district is situate :

“And whereas, in order to comply with the forms of notice of marriage scheduled respectively to the Marriage and Registration Act, 1856, the Marriage Notice (Scotland) Act, 1878, and the Marriage Law (Ireland) Amendment Act, 1863, a woman who gives notice of an intended marriage is required to state certain particulars as to the dwelling place or residence of the other party, and by the Marriage and Registration Act, 1856, the Marriage Notice (Scotland) Act, 1878, and the Marriage (Ireland) Act, 1844, Forms of Certificates are provided in which a Superintendent Registrar,

Registrar, or District Registrar is required to state certain particulars as to the dwelling place or residence of the parties to the intended marriage :

“And whereas under the provisions of the said recited Act certain fees are payable to Superintendent Registrars, Registrars, and District Registrars, for entering notices of marriage in their respective Marriage Books and for giving Certificates and for other services therein specified :

“And whereas by the Naval Marriages Act, 1908, it is enacted in Sections 1 and 2 thereof that :— 8 Edw. 7.
c. 26.

“1. Where one of the parties to a marriage intended to be solemnized in England after the publication of Banns is an Officer, Seaman, or Marine borne on the books of one of His Majesty's Ships at Sea, the Banns may be published on three successive Sundays at morning service on board that ship by the Chaplain, or, if there is no Chaplain, by the Captain or other officer commanding the ship, and, where Banns have been so published, the person who published them shall, unless the Banns have been forbidden on any of the grounds on which Banns may be forbidden, give a certificate of publication.’

“2. Where one of the parties to a marriage intended to be solemnized or contracted in England otherwise than after the publication of Banns, or by licence, or by special licence, is an Officer, Seaman or Marine borne on the books of one of His Majesty's Ships at sea, he may give notice of his intention to the Captain or other officer commanding the ship, together with the name and address of the other party to the marriage, and such other information as may be necessary to enable the Captain or other officer to fill up a certificate under this section, and shall at the same time make and sign such a declaration as is required by Section 2 of the Marriage and Registration Act, 1856, and the Captain or other officer may attest the declaration and thereupon issue a certificate to the Officer, Seaman or Marine giving the notice.’

“And whereas by Section 3 of the said last recited Act it is enacted that all enactments (including penal provisions) relating

“(1) to the publication of Banns and Certificates thereof, and

“(2) to notices and declarations for obtaining Certificates from Superintendent Registrars, and to such certificates :

and all rules required under any such enactments to be observed shall apply in the case of marriages to which that Act applies subject to such adaptations therein as may be made by His Majesty by Order in Council :

“And whereas by Sections 4 and 5 of the Naval Marriages Act, 1908, it is enacted that, where any such marriage as aforesaid is intended to be solemnized or contracted in Scotland or in Ireland, that Act shall apply subject to the modifications therein set forth.

“And whereas we have had under consideration the herein-before recited enactments, and we are of opinion that it is desirable to make certain adaptations in the said enactments relating to the matter

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aforesaid, and in the rules required under the said enactments to be observed :

“We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to sanction the adaptations in the said enactments and in the rules thereunder required to be observed hereinafter contained.

“1. The Lords Commissioners of the Admiralty shall provide on every of His Majesty's Ships when at Sea a Banns of Marriage Book, and the Banns shall be published from the said Banns of Marriage Book, and not from loose papers, and, after publication, shall be signed by the Chaplain or other person who publishes the Banns.

“2. Any Officer, Seaman, or Marine borne on the books of any of His Majesty's Ships at sea may be described in any Banns of Matrimony published on board that ship, or in any place of worship in which Banns of Matrimony may lawfully be published, as of His Majesty's Ship , without the addition of any parish or chapelry.

“3. Every notice of an intended marriage given under Sections 2, 4 and 5 of the Naval Marriages Act, 1908, shall be in writing signed by the person giving such notice and shall be in the form or to the effect of Form A, B or C in the Schedule to this Order annexed, as the case may require, and any Certificate issued in pursuance of such notice shall state the particulars set forth in such notice.

“4. In any declaration made and signed by an Officer, Seaman or Marine borne on the books of one of His Majesty's Ships at sea at the time of his giving notice of an intended marriage, it shall not be necessary for him to make any declaration as to his abode and residence immediately preceding the giving of such notice, and it shall be sufficient for him to declare that he is an Officer, Seaman or Marine (as the case may be), borne on the books of one of His Majesty's Ships at sea.

“5. Where any of the said recited Acts require a Superintendent Registrar, or a Registrar, or District Registrar, to file any notice of marriage and to keep them with the records of his office and to enter any copy of any notice of marriage or any particulars of any such notice of marriage in any Marriage Notice Book, the Captain or other officer commanding the ship to whom any notice of marriage shall be given shall file the same, and keep it with his official papers, and shall enter in a Marriage Notice Book, to be provided by us, a true and exact copy thereof, together with the date of such entry, and shall attest the same with his signature, and all provisions in any of the said Acts relating to the Marriage Notice Books therein mentioned shall be applicable to the Marriage Notice Book so provided as aforesaid.

“6. When notice is given to the Captain or other officer commanding a ship of any marriage intended to be solemnized or contracted otherwise than after the publication of Banns, the Captain or other officer commanding the ship shall, if the marriage

be intended to be solemnized or contracted in England, or in the office of the Registrar in Ireland, cause a copy of the notice to be suspended or affixed in some conspicuous place in the said ship during twenty-one successive days, and shall, if the marriage is intended to be solemnized or contracted in Scotland, on the day on which he enters such notice cause a public notice of the intended marriage in the form as nearly as may be of Form D in the Schedule to this Order annexed to be posted or put up in such place as aforesaid, and shall keep the same so posted or put up for seven consecutive days next after the date of the entry of such notice in the Marriage Notice Book.

“7. Section 10 of the Marriage Notice (Scotland) Act, 1878, shall apply to objections to notices of marriages intended to be solemnized or contracted in Scotland given under the provisions of the Naval Marriages Act, 1908, as if the Captain or other officer commanding any of His Majesty’s Ships were a Registrar within the meaning of the Marriage Notice (Scotland) Act, 1878, except that such Captain or Officer shall not in any case be required to report on any objection to the Sheriff or Sheriff’s substitute of any County, but shall give to himself such directions as to amending any notice and granting a Certificate thereon or cancelling the same as by the said Section a Sheriff or Sheriff substitute may give to a Registrar.

“8. In the case of any marriage intended to be solemnized or contracted in Ireland, the Captain or other officer in command to whom any notice of marriage shall be given, shall, as soon as practicable after he shall have received such notice, send by post in a registered letter a copy of the notice authenticated by his signature to the person or persons to whom copies of the notices are required to be sent by Section 3 of the Marriage Law (Ireland) Amendment Act, 1863, or, if there is no such person, shall cause a copy of the notice to be published as soon as practicable after he has received such notice at the expense of the Officer, Seaman or Marine intending marriage as provided by Section 41 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.

“9. When any Officer, Seaman or Marine under the provisions of the Naval Marriages Act, 1908 gives notice of a marriage intended to be solemnized or contracted in England, it shall not be necessary for the other party to state in any notice of marriage which she shall give to a Superintendent Registrar the dwelling place or length of residence of such Officer, Seaman or Marine, or the district and County in which he dwells, nor shall it be necessary, if the marriage is intended to be solemnized or contracted in Scotland, to state in any notice of marriage which the other party shall give to a Registrar the dwelling place or parish or district and County in which such Officer, Seaman or Marine dwells. Nor shall it be necessary if the marriage is intended to be solemnized or contracted in Ireland to state in any notice of marriage which the other party shall give to a District Registrar the dwelling place or length of residence of such Officer, Seaman or Marine, or

the district or County in which he dwells, but it shall be sufficient in each case if, in lieu thereof, such other party shall state in any such other notice that the man with whom marriage is intended, is an Officer, Seaman or Marine (as the case may be) borne on the books of one of His Majesty's Ships at sea, and shall state the name of such ship, and in any Certificate, Licence, or Notice which any Superintendent Registrar in England, Registrar in Scotland, or District Registrar in Ireland, shall give pursuant to any of the recited Acts and of the Naval Marriages Act, 1908, it shall be sufficient to describe the man as an Officer, Seaman or Marine (as the case may be), borne on the books of one of His Majesty's Ships at Sea, together with the name of such ship, without stating the dwelling place length of residence or district parish or County in which he dwells.

"10. The hereinbefore recited provisions of Section 2 of the Marriage and Registration Act, 1856 Section 14 of the Marriage Notice (Scotland) Act, 1878 and Section 15 of the Marriage Law (Ireland) Amendment Act, 1863 shall apply to notices and declarations made under the provisions of the Naval Marriages Act, 1908 and of this Order in Council as if the said notices and declarations were notices and declarations made under any of the first mentioned Acts or any Acts therein recited.

"11. This Order to come into operation on the First day of January, 1909."

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FORM A

(To be used when Marriage is to be in England or Wales)

NOTICE OF MARRIAGE pursuant to the Marriage Registration Act, 1856,
and the Naval Marriages Act, 1908

To the Commanding Officer of H.M.S.

I, the undersigned, hereby give you Notice that a Marriage is intended to be had without licence 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 of each party	Condition (whether bachelor, spinster, widower, widow, or divorced)	Rank or profession	Age of each party	Dwelling place of woman	Length of residence of woman (a)	Church or building in which the Marriage is to be solemnized (b)	Regi- stration District in which the woman dwells
Man								
Woman								

(a) If more than one calendar month "1 month and upwards" will be sufficient.
(b) A marriage cannot be solemnized in any place of worship without the consent thereto of the Minister or other authority. It therefore behoves the person giving Notice for Marriage in a place of worship to ascertain that consent will be granted.

AND I HEREBY SOLEMNLY DECLARE that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage and that I, the above-named..... am a.....(c) borne on the books of one of H.M. Ships at Sea, namely, H.M.S.

(c) Fill in "Officer", "Seaman" or "Marine", as the case may be.

AND I FURTHER DECLARE that to the best of my knowledge and belief the particulars entered in the above Table are true and that

(d) Expunge all or so many of these paragraphs as not applicable.

(d) [I being a minor and not a widower, the person whose consent to which my marriage is by law required has consented to the above Marriage].

[I being a minor and not a widower, there is no person whose consent to my marriage is by law required.]

[The other party named herein being a minor and not a widow, the person whose consent to her marriage is by law required has consented to the above Marriage.]

[The other party named herein being a minor and not a widow there is no person whose consent to her marriage is by law required.]

AND I make the foregoing Declarations solemnly and deliberately, conscientiously believing the same to be true, pursuant to the provisions, of the Marriage and Registration Act, 1856, and the Naval Marriages Act, 1908, well knowing that every person who shall knowingly or wilfully make and sign or subscribe any false declaration, or who shall sign any false notice for the purpose of procuring any Marriage under the provisions of the said Acts or any of the several Acts therein recited shall suffer the penalties of perjury.

IN WITNESS whereof I have hereunto set and subscribed my hand thisday of.....19....

SIGNED AND DECLARED by the above-named.....
in the presence of

(Witness) Signature of Declarant.....

Name.....
Commanding Officer of H.M.S.

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FORM B

(To be used when Marriage is to be in Scotland)

NOTICE OF MARRIAGE pursuant to the Marriage Notice (Scotland) Act,
1878, and the Naval Marriages Act, 1908

To the Commanding Officer of H.M.S. ".....",

I,, hereby give you notice that I and the other person herein named are about to contract marriage; that is to say :—

	Name and Surname of each Party	Condition (Bachelor, Spinster, Widower, or Widow)	Rank or Profession	Age of each Party	Dwelling Place of Woman	Parish or District and County in which the Woman dwells
Man						
Woman						

AND I SOLEMNLY DECLARE that I believe that there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that I am *.....borne on the books of one of H.M. Ships at sea, namely, H.M.S. ".....".

* Fill in "Officer, "seamen" or "marine", as the case may be.

And this I declare knowing that if the declaration is false I expose myself to the penalties of perjury.

In witness whereof I have hereunto set and subscribed my hand thisday of....., 19.....

Signature.....

Subscribed and declared by the }
above named }
..... }
in my presence, }

Commanding Officer
of H.M.S. ".....".

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FORM C

(To be used when Marriage to be in Ireland)

NOTICE OF MARRIAGE pursuant to the Marriage Law (Ireland) Amendment Act, 1863, and the Naval Marriages Act, 1908

To the Commanding Officer of H.M.S. ".....".

I, the undersigned.....hereby give you notice that a marriage is intended to be had ⁽¹⁾ Licence within three calendar months from the date hereof between me and the other party named and described (that is to say) :

(1) "By" "or without".

	Name and Sur-name of each party	(Condition Bachelor, Spinster, Widower, or Widow)	Rank or Profession	Age of each party	Dwelling place of woman	Length of residence of woman	Church, Chapel, or place of worship which the woman usually attends	Church, Chapel, or place of worship or building in which the marriage is to be solemnized	District and County in which the woman dwells
Man									
Woman									

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

[signed]

I, the undersigned, hereby solemnly declare that I believe there is no impediment of kindred or alliance or other lawful hindrance to my marriage with ⁽²⁾of....., and that the above-named ⁽²⁾ has for the space of 1 month immediately preceding the giving of the Notice of our marriage usually attended Divine worship in the Church, Chapel, or Meeting House belonging to the ⁽³⁾ in ⁽⁴⁾ of....., and County of.....

(2) Fill in woman's name.

(3) Here insert the Church, Denomination, or body of Protestant Christians to which such place of worship shall belong.

(4) Parish or Ecclesiastical district.

(5) Fill in "Officer" "Seaman", or "Marine".

(6) Expunge such parts of this declaration as are not applicable—or the whole if none is applicable.

And that I, the above-named.....am a ⁽⁵⁾ borne on the books of one of H.M. Ships at Sea, namely H.M.S.

"....."

And I further declare that

⁽⁶⁾ [I am not a minor under the age of 21 years and that the other party herein named and described is not a minor under the of age 21 years].

[She [or I] the saidnot being a widow [or widower] is [or am] a minor under the age of 21 years, and that the consent of.....whose consent to her [or my] marriage is required by law has been duly given and obtained thereto [or that there is no person whose consent to her or my marriage is by law required].]

And I make the foregoing declaration solemnly and deliberately, conscientiously believing the same to be true, pursuant to the provisions of

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the Marriage Law (Ireland) Amendment Act, 1863, and the Naval Marriages Act, 1908, well knowing that every person who shall knowingly or wilfully make and sign or subscribe any false declaration or who shall sign any false notice for the purpose of procuring any marriage under the provisions of the said Acts or of any Acts therein recited shall suffer the penalties of perjury.

In witness whereof I have hereunto set and subscribed my hand thisday of, 19.....

[Signed]

Signed and Declared by the above-named in the presence of.....

Officer Commanding H.M.S. "....."

FORM D

(To be used when Marriage to be in Scotland)

PUBLIC NOTICE OF MARRIAGE pursuant to the Marriage Notice (Scotland) Act, 1878, and the Naval Marriages Act, 1908

NOTICE has this day been received by me of Marriage as intended to be contracted between the following persons: that is to say:— between

(1)..... of H.M.S. and (2) of

(1) Fill in the name and surname, condition and rank, or profession of the man.

(2) Here fill in the name and surname, condition, rank, or profession, and place of residence of woman.

All objections to a certificate being granted authorizing the celebration of this marriage must be lodged with me in writing within seven days from this date, by the objector, who must appear personally to declare to the truth thereof.

(signed)

Officer Commanding H.M.S. "....."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

A. W. FitzRoy.