

then before a marriage is solemnized in that country under the Foreign Marriage Acts, whether in an embassy house or at a Consulate, the officer by or before whom the marriage is to be solemnized and registered 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.

(2.) If a Consul, 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 right of appeal to a Secretary of State given by section seven of the Consular Marriage Act, 1849.

7. In the case of any marriage under the Foreign Marriage Acts, if it appears to the officer by or before whom the marriage is to be solemnized and registered that the woman about to be married is a British subject, and that the man is an alien, he must be satisfied that the marriage will be recognized by the law of the foreign country to which the alien belongs

8. The following modifications of the requirements of the Foreign Marriage Acts as to residence and notice which appear to Her Majesty to be consistent with the observance of due precautions against the solemnization of clandestine marriages, shall have effect in the following class of cases, that is to say, where one only of the parties has dwelt within the district of the Ambassador or Consul :—

- (1.) A marriage may be solemnized under the said Acts in the embassy house or consulate of an Ambassador or Consul in whose district one of the parties has dwelt—

(a.) if the officer by or before whom the marriage is solemnized and registered is satisfied that such notice as is mentioned below in sub-articles three and four of this article, has been given of the intended marriage in the place where the other party has dwelt ; or

(b.) if a Secretary of State is satisfied that such adequate notice has been given as will prevent the marriage being clandestine, and gives permission for the same to be solemnized.

- (2.) In either case the oath, affirmation or declaration under section three of the Foreign Marriage Act, 1891, shall, in addition to the matters specified in sub-sections (a) and (c) of that section, state that one of the parties has for three weeks immediately preceding had his usual place of abode within the district of the Ambassador or Consul, and further state the place where the party who has not dwelt within that district has within three months immediately preceding had for three consecutive weeks his usual place of abode, and the notice which has been given in that place during those three weeks.

- (3.) The notice to be given where the marriage is not solemnized with the permission of a Secretary of State shall, if the party has dwelt in a foreign country, be given, entered, and suspended in the manner and during the period provided by the Foreign Marriage Acts, in like manner as if the marriage were

to be solemnized in a consulate in that country, and the Consul shall, on payment of the proper fee, give a certificate that the notice has been so given and suspended, and that he is unaware of any impediment which should obstruct the solemnization of the marriage.

- (4.) If the party dwells in a place in the United Kingdom, the notice shall be given in the 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.

#### *Consular Marriages.*

9. For the purpose of marriages at a consulate under the Foreign Marriage Acts, every place within the curtilage or precincts of the house in which the Consul 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 consulate, and every place to which the public have ordinary access in the consulate shall be deemed to be part of the office of such consulate.

#### *Registration of Marriages by Foreign Law.*

10.—(1.) A consular officer shall not be required to attend at the solemnization of a marriage solemnized in accordance with the local law unless the marriage is solemnized at the place where he is appointed to reside nor unless the proper fee has been previously paid to him.

(2.) The consular officer shall forthwith after the solemnization of the marriage, register the marriage in duplicate in books furnished to him by the Registrar-General through a Secretary of State for the purpose, separate from any register books provided for marriages solemnized by him, and shall register the same in accordance with section eleven of "The Consular Marriage Act, 1849," 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.

(3.) The consular officer shall transmit copies and the certificate and the book when filled, in manner provided by section twelve of "The Consular Marriage Act, 1849."

(4.) Nothing in this Order shall authorize any officer who is not a consular officer to register a marriage solemnized in accordance with the local law.

(5.) The expression "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.

#### *High Commissioners, &c.*

11.—(1.) A Secretary of State by a written authority under section nineteen of "The Consular Marriage Act, 1849," may authorize a person to act in the place of a high commissioner or resident mentioned in "The Marriage Act, 1890," outside of Her Majesty's dominions.

- (2.) If a Secretary of State gives such authority