

Western Australia

## **Marriage Act 1835 (Imp)**

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## **Marriage Act 1835 (Imp)**

**An Act to render certain Marriages valid, and to alter the Law with respect to certain Voidable Marriages.**<sup>3</sup>

### **Preamble**

Whereas marriages between persons within the prohibited degrees are voidable only by sentence of the Ecclesiastical Court pronounced during the lifetime of both the parties thereto, and it is unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of affinity should remain unsettled during so long a period, and it is fitting that all marriages which may hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity should be *ipso facto* void, and not merely voidable:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,

### **[1.] Marriages before the passing of this Act of persons within the prohibited degrees not to be annulled**

[T]hat all marriages which shall have been celebrated before the passing of this Act between persons being within the prohibited degrees of affinity shall not hereafter be annulled for that cause by any sentence of the Ecclesiastical Court, unless pronounced in a suit which shall be depending at the time of the passing of this Act:

Provided that nothing hereinbefore enacted shall affect marriages between persons being within the prohibited degrees of consanguinity.

**2. Marriages of persons within prohibited degrees hereafter to be absolutely void**

And be it further enacted, that all marriages which shall hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity shall be absolutely null and void to all intents and purposes whatsoever.

**3. Not to extend to Scotland**

Provided always, and be it further enacted, that nothing in this Act shall be construed to extend to that part of the United Kingdom called Scotland.

**4. Act may be altered this session**

And be it enacted, that this Act may be altered or repealed by any Act or Acts to be passed in this present session of Parliament.

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**Notes**

- <sup>1</sup> This is a compilation of the *Marriage Act 1835 (Imp)*. The following table contains information about that Act and any previous reprints.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Marriage Act 1835 (Imp)</i>	1835 (5 and 6 Will. IV c. 54)	31 Aug 1835	30 May 1844 (adopted by <i>Imperial Acts Adopting Act 1844</i> )

**Reprinted as at 26 Oct 1999**

- <sup>2</sup> Adopted in WA by *Imperial Acts Adopting Act 1844*. (7 Vict. No. 13) [Assent 30 May 1844]
- <sup>3</sup> The short title *Marriage Act 1835* was given to this Imperial Act by the *Short Titles Act 1896* (UK).  
For other information about this Imperial Act see *Halsbury's Statutes of England*, Second Edition, Vol 11, p 710.  
This Act is affected by the *Marriage Act 1961* (Cwlth).