 

The following letter was published in the London *Evening Standard* on Saturday 26 February:

Andrew Roberts is wrong to say that section 45 of the Marriage Act of 1836, which stated that the Act did not extend to the royal family, "still applies today" (Act now to rescue the royal wedding, 22 February). As the Lord Chancellor pointed in out in his statement issued on 23 February, section 45 was repealed by the Registration Service Act 1953, and it can, therefore, have no effect on the Royal wedding.

That does not end the wedding problems however. It is intended that it shall be a civil ceremony under the 1949 Act, but section 79(5) of that Act says "nothing in this Act shall affect any law or custom relating to the marriage of members of the Royal Family". It has been the invariable custom, dating back over a thousand years, that the heir to the throne marries in a Christian ceremony. If Charles now marries under the non-religious provisions of the Act it could plausibly be argued that the Act is "affecting" the ancient custom, which it is not permitted to do.

There is a further problem. The Lord Chancellor's statement says "the Human Rights Act has since 2000 required legislation to be interpreted wherever possible in a way that is compatible with the right to marry". It is true that section 3 of the Act provides for this - but it entirely depends on how a court decides to interpret the uncertain term "possible", and its decision may always be reversed on appeal.

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