



**Anglican Marriage in England and Wales:  
A Guide to the Law for Clergy (3rd edition)**

**First Supplement: July 2013**

**Foreword (page 3)** – the reference should be to the "Archbishops' Council"

**Additions to Glossary (page 8)** –

CEM(A)M - Church of England Marriage (Amendment) Measure 2012

MPM - Mission and Pastoral Measure 2011

**1.1 Status and date of these notes** – These notes supplement the 3rd edition of the Anglican Marriage booklet published by the Faculty Office. They are believed to state the law as at 1st July 2013.

**2.3** The statutory requirement that a marriage be solemnised between the hours of 8 a.m. and 6 p.m. has been repealed but this remains a requirement of the Canons of the Church of England – see **16.1**.

**3.1 Parish churches, parish centres of worship and licensed chapels** – The legislation PM s.29 has been replaced by MPM s.43.

**4.5** The title should be '*Parishes with a parish centre of worship only*'. The legislation PM s.29 is now replaced by MPM s.43.

**4.6** The title should be '*Parishes without a parish church or without regular services*'. Recent legislation, for England only, has put beyond doubt the question of whether a person, who has an entitlement through a qualifying connection to marry in a parish without a parish church or without regular services, may marry in a parish church of any immediately adjoining parish. CEM(A)M s.1(3) applies it expressly.

**4.7 Church undergoing reconstruction, etc.** – Recent legislation, for England only, has put beyond doubt the question of whether a person, who has an entitlement through a qualifying connection to marry in a parish church which is being rebuilt or repaired and is consequently not being used for divine service and is thus not available for marriages, may take advantage of the provisions to marry in another building in the parish or in an immediately adjoining parish depending on what steps the bishop has taken. CEM(A)M s.1(2) applies these provisions expressly to those with a qualifying connection.

**4.8 United benefices and pluralities** – The legislation Sch.3 para.14 has been replaced by MPM Sch.3 para.12. Delete the first reference to PM s.29(3). Recent legislation has clarified (for England only) that those marrying in a united benefice or in a benefice held in plurality, where a bishop's order under MA s.23 or MPM Sch.3 para.12 is in place, may marry in any of the churches in the benefice(s) subject to that order, when they are relying on a qualifying connection with one of the parishes concerned (CEM(A)M s.1(1)).

**5.3 Parishes ceasing to exist or changed in extent** – At the end of the final paragraph of this section, the following should be added: "In England only, if the connection is with a parish

("parish A") and a church which was a parish church of that parish at the time when that person had the connection has since become and continues to be a parish church of another parish ("parish B") the connection is now with parish B (CEM(A)M s.1(3&4))."

**5.7 Statutory Guidance in Wales [on Qualifying Connections]** – This statutory guidance has now been issued and is to be found on the website of the Church in Wales ([www.churchinwales.org.uk](http://www.churchinwales.org.uk)).

**7.4 Special cases [regarding the calling of banns]** – The legislation PM Sch.3 para. 14 has been replaced by MPM Sch.3 para.12.

**7.5 Publication [of banns] outside England | Northern Ireland and Scotland** – The law in Northern Ireland and the Republic has changed pursuant to (respectively) the Marriage (Northern Ireland) Order 2003 and the Civil Registration Act 2004. Civil preliminaries are now used for all marriages taking place in Ireland. The Faculty Office recommends the same course of action to be taken as where one party lives in Scotland; that a common licence should be obtained.

**7.6 Dates and time of publication [of banns]** – The third paragraph now only applies to the Church in Wales. In England, on each Sunday chosen for publication, the banns are now to be published either at the principal service, or both the principal service and another service. The principal service is the service at which the minister believes the greatest number of habitual worshippers attend, whether this is a morning or evening service. It does not matter, for the purposes of this legal requirement, that in a particular instance a greater number of people unexpectedly attend a service on a given Sunday which is not deemed to be the principal service. If the option of publishing the banns at two services on a given Sunday is followed, both of those publications are the same 'time of asking' (CEM(A)M s.2(2)).

**7.8 Wording of banns** – This section in its entirety should now read:

"There is statutory basis for two forms of the wording of the banns in England (MA s.7(2) and CEM(A)M s.2(1)). One version is taken from the Book of Common Prayer and is as follows:

'I publish the banns of marriage between N of [the parish of ] and N of [this parish]. If any of you know cause or just impediment why these two persons should not be joined together in Holy Matrimony, ye are to declare it. This is the [second] time of asking.'

The other form is set out in Common Worship and is as follows:

'I publish the banns of marriage between NN of ... and NN of .... This is the first/second/third time of asking. If any of you know any reason in law why they may not marry each other you are to declare it.'

In the case of a marriage in England relying on the CEMM, when banns are called in the church or place of worship where the marriage is to be solemnized, the guidance issued by the House of Bishops under CEMM s.3 recommends that at the point where the banns refer to the person with the qualifying connection with the parish the words 'N of this parish' should be changed to 'N of the parish of X who wishes to be married in this church by virtue of his/her connection with this parish' (House of Bishops' Guidance, para.10). It is to be noted however that there is no statutory foundation for this wording.

Where marriage is taking place in a church which is not either person's parish church but is where one or both are members of the church electoral roll or is the church of a parish where one or both have a qualifying connection, the requirement laid down by MA and CEMM/C(W)A is to have banns read in that church and in the parishes of residence. There is no requirement to state that the party to the marriage has a legal qualification with the parish in which he/she is marrying.

The conclusion of the Faculty Office is that the wording from the BCP or the CEM(A)M should be used in all cases under MA, CEMM and M(W)A without alteration. This is important as a certificate has to be given that the banns have been published according to law (MA s.11(1)).(See 7.12 below). This does not prevent however the authorised form of words being followed by an explanation of what legal qualification the party has with the parish and with an invitation to pray for the couple.

In Wales the wording to be used is that set out in the 1984 Prayer Book. The wording authorised by the Governing Body in April 2010 was withdrawn in April 2011. The formula used in the 1984 Prayer Book is almost identical to that of the 1662 Book (i.e. that stipulated by the 1949 Marriage Act) with two very minor variations namely the words “if any of you knows” and “you are to declare it”. Banns may also be published in Welsh.

It will be noted that none of the forms requires the parties’ current marital status to be stated."

**8.2(ii) Notice in district of residence [SRC procedure]** – From 9th May 2011 Certificates of Approval to Marry are no longer required for any marriage taking place in England and Wales (The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2011). Any party who is a foreign national subject to immigration control should investigate the current procedure for giving notice at a designated register office.

**9.5 Marriages of foreign nationals subject to immigration control** – From 9th May 2011 Certificates of Approval to Marry are no longer required for any marriage taking place in England and Wales (The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2011).

On 11th April 2011 the Bishop of Ripon & Leeds wrote on behalf of the English House of Bishops to the clergy of the Church of England directing them to refer a couple to obtain a common licence where a party to the marriage is a non-EEA national. The letter directed ministers on the correct form of investigations to make, to ascertain the genuineness of a proposed marriage. The letter also directed diocesan chancellors and registrars to establish procedures for the granting of common licences including the requirement for the couple to complete an application form and the interviewing of both parties at the diocesan registry or some other place stipulated by the chancellor. The letter is available to read at: <http://www.churchofengland.org/media/1228433/house%20of%20bishops%20guidance.pdf> Information as to the arrangements put in place for each diocese is available from the relevant diocesan registry. In December 2010 the UK Border Agency published some guidance to the clergy which is available on the Church of England's website.

Where a national of an EEA state (or Switzerland) has lived in this country for a substantial period of time, and has effectively established residency, it may be appropriate for a wedding in the Church of England to proceed by way of banns. The advice of the diocesan registrar ought to be sought. In the light of the House of Bishops' guidance and directions it would not be appropriate that the wedding of a non-EEA national in the Church of England proceed by way of banns in any case.

For weddings in the Church in Wales involving non-British nationals, clergy should have regard to any guidance which has been issued since the publication of these notes, and are encouraged to consult their diocesan registrar when a particular case arises.

**14 Civil partnerships** – The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 came into force on 5 December 2011, theoretically permitting civil partnerships to be registered on religious premises. Local registration authorities can grant an application for the approval of religious premises for the registration of civil partnerships only if the application for the approval of a church or

chapel of the Church of England is accompanied by the consent in writing of the General Synod (or, for the Church in Wales, the Governing Body of the Church in Wales). At the time of writing neither General Synod nor the Governing Body of the Church in Wales has given any such consent. Where a building is subject to formal sharing agreements or other, less formal, sharing arrangements, the consent of the denominational bodies of all the Churches involved are required before the shared building can become approved premises.

**16.1** *Time [of marriage service]* – Notwithstanding the change in the secular law (the repeal of MA s.4 by s.114 of the Protection of Freedoms Act 2012) this section remains correct for Church of England marriages. The Church of England's Canons (Canon B 35) require an Anglican marriage to take place between 8 a.m. and 6 p.m. The whole marriage ceremony must be completed by 6 p.m. The registration of the marriage is required to be made immediately after the solemnization of the marriage (MA s.55(1)) but there is no other restriction on the timing for signing the registers. This may take place after 6 p.m. The Church in Wales Legal Office advises that the Protection of Freedoms Act does not impact on the hours for the solemnization of marriages in the Church in Wales.

**19.4** *Corrections in registers* – Corrections to completed entries may be made within one month of the mistake having been discovered (MA s.61), rather than within one month of the entry being made.

**19.7** *The Registrar-General's 'Suggestions'* – The guidance from the Civil Registrar-General is now made available online, along with electronic occasional newsletters. As at 1st July 2013 the link to download the guidance is:

<https://www.gov.uk/government/publications/guidance-for-the-clergy>.

The newsletters are available at: <https://www.gov.uk/government/publications/clergy-newsletters>.

The 'Guidance for the Clergy' includes a table setting out the terminology to be used for describing marital condition when completing marriage registers (following the coming into effect of the Civil Partnerships Act 2004).

20.1 The Parochial Fees Order 2012 made under the EFM as amended by the Ecclesiastical Fees (Amendment) Measure 2011 now provides that, for England, a fee for the marriage ceremony will be payable to the diocesan board of finance rather than to the incumbent of the benefice as previously, together with the payment of a fee to the PCC as before (EFM s.1(1)). The incumbent or priest-in-charge of the benefice where the marriage takes place (or the rural or area dean if there is no such minister) may waive any fee payable to the diocesan board of finance and may, after consultation with the churchwardens of that parish, waive any fee payable to the PCC, in a particular case (EFM s.1(9&10)). A minister does not have a right to give a general waiver, and should be prepared to give a reason for any decision to waive a fee in a particular case. Any decision should take into account such national and diocesan guidelines as are in place at the time.

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The Staff List of the Faculty Office should now read as follows:

**THE FACULTY OFFICE**

*Joint Registrar:* Peter F.B. Beesley, Esq., LL.B.

*Joint Registrar:* Howard J. Dellar, Esq., B.A., M.A.

*Chief Clerk:* Stephen J. Borton, Esq.

*Clerk:* Neil D. Turpin, Esq. F.C.I.L.Ex.

*Clerk:* Luke W.C. Tatam, Esq., B.A.