



## FACULTY OFFICE

### Weddings in England during Lockdown II (from 5<sup>th</sup> November until (at least) 2<sup>nd</sup> December)

Following the Prime Minister's statement on Saturday evening and his statement to the House of Commons on Monday, weddings will not be able to take place until the restrictions are lifted save for emergency marriages where one of the parties is terminally ill.

The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 were made at 2.45pm on 3<sup>rd</sup> November, laid before Parliament at 4.10pm that day and came into force on 5<sup>th</sup> November.

The Regulations contain Restrictions on Movement (Part 2) and Restrictions on Gatherings (Part 3). The Restrictions on Movement state that no one can leave their home "without reasonable excuse." What constitutes "reasonable excuse" is set out in Regulation 6 which contains 13 'Exceptions'. Exception 8 deals with weddings and confirms that attendance at a wedding permitted under Regulation 11(11) is a reasonable excuse. Regulation 11(11) forms part of the 'Exceptions' to the Restrictions on Gatherings set out in Part 3 of the Regulations.

The Restrictions on Gatherings define a gathering as taking place when "*two or more persons are present together in the same place in order— (a) to engage in any form of social interaction with each other, or (b) to undertake any other activity with each other.*" The Regulations prevent a gathering either indoors or outdoors whether in a private dwelling or garden or in a public building or public space. Exception 8 deals with marriages and is set out at Regulation 11(11).

This provides that a gathering is permitted for the purposes of (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General's Licence) Act 1970 or (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949 where at least one of the parties to the marriage is seriously ill and not expected to recover. [The Regulation also permits Civil Partnerships in similar circumstances but these are outside of the scope of this note.] An "alternative wedding ceremony"<sup>1</sup>, where one of the parties to the marriage is seriously ill and not expected to recover is also permitted. A wedding in these circumstances can only be attended by a maximum of 6 people and in one of a list of places<sup>2</sup> that does not expressly include places of worship provided that the gathering organiser takes the required precautions in relation to the gathering. The required precautions are a Risk Assessment and the taking of all reasonable measures to limit the risk of

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<sup>1</sup> This is slightly curiously defined as "*a ceremony based on a person's faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in regulation 11(11)(a)(i) or (ii)*" ie by Registrar General's Licence or Special Licence. NOTE that a Registrar General's Licence cannot authorise a wedding according to the Rites and Ceremonies of the Church of England or Church in Wales. An 'alternative wedding ceremony' would not include a legal marriage according to the rites of the Church of England or Church in Wales, although it would, in England, permit a service of Solemnization of Matrimony under Canon B36 which follows a marriage before the civil registrar under a Registrar General's Licence

<sup>2</sup> (i) at a private dwelling, (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or (iv) in a public outdoor place not falling within paragraph (ii) or (iii)

transmission of the coronavirus as identified in the Risk Assessment and in any further guidance issued by the Government.

### **What does this mean for Church of England weddings?**

The only Church of England weddings that can take place during Lockdown II are those authorised by Special Licence where one of the parties to the marriage is seriously ill and not expected to recover which take place in a person's home, or in hospital or a hospice. The Regulations do not allow us to authorise a wedding where it is the parent, sibling or child of the parties to the wedding who is terminally ill which the Faculty Office would otherwise be willing to authorise (absent any other impediment).

These Regulations regarding weddings are more restrictive than those which were in place in the Spring/Early Summer Lockdown during which the Faculty Office was able to issue Special Licences to permit weddings for frontline NHS staff working on Covid wards, Armed Forces Personnel due to be deployed overseas and emergency weddings for family members as set out above.

**The Faculty Office, 5 November 2020**