

## THE FACULTY OFFICE

The Staff List of the Faculty Office for marriage enquiries should now read:

*Registrar:* Howard Dellar B.A., M.A.  
*Deputy Registrar:* Ian Blaney M.A., L.L.B., L.L.M.  
*Chief Clerk:* Neil Turpin  
*Consultant:* Stephen Borton  
*Clerks:* Susan Black B.Sc.  
Patrick Roberts B.A., M.A., L.L.M., Ph.D.,  
*Administrative Officer:* Jaymisha Tailor B.A.



**Anglican Marriage in England and Wales:  
A Guide to the Law for Clergy (3rd edition)  
Third Supplement: June 2021 (updated March 2023)  
(incorporating and updating the First Supplement (issued in July 2013)  
and the Second Supplement (issued in April 2015))**

**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

M(SSC)A - Marriage (Same Sex Couples) Act 2013

IA - Immigration Act 2014

**1.1 Status and date of these notes** – These notes supplement the 3rd edition of the Anglican Marriage booklet published by the Faculty Office in 2010. They incorporate and replace the previously issued First and Second Supplements (issued in July 2013 and April 2015 respectively). They are believed to state the law as at 1 March 2023.

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**2.2 Exceptions to the rule** – replace (iv) with:

(iv) where the superintendent registrar's marriage schedule (SRMS) procedure has been used instead of the grant of a licence or publication of banns.

[NB with the changes to marriage registration procedures in England and Wales from 4 May 2021 the superintendent registrar's marriage schedule replaced the superintendent registrar's certificate (SRC). Accordingly, wherever an SRC is referred to in these notes it should be read as an SRMS.] Since the commencement, on 2 March 2015, of the relevant sections of the IA, a national of a country outside the

The Faculty Office of the Archbishop of Canterbury

1 The Sanctuary, Westminster, SW1P 3JT

Tel: 0207 222 5381

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European Economic Area (EEA) or Switzerland cannot marry after banns or by common licence. Following the departure of the UK from the EU and the end of the transition period on 31 December 2020, with effect from the 1 July 2021 this was extended to include a national of an EEA country or Switzerland with the exception of the Republic of Ireland or an overseas national who holds Settled Status or Pre-Settled Status under the EU Settlement Scheme (EUSS). See section **2.6A**. There is no current statutory basis for requiring a minister to solemnize a marriage after the SRMS procedure, but this represents a potential conflict with the human right to marry and to manifest religion/belief. See also section **2.7** on Human Rights.

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

**2.6** *The choice between the four preliminaries to Anglican marriage* – From 1 July 2021 any Anglican wedding involving a non-UK/Irish national (or a national of another country who holds Settled Status or Pre-Settled Status under the EUSS (other national(s) with EUSS status) must take place by the SRMS procedure (MA s.5(3)), unless the couple meet the criteria for the granting of a special licence. A marriage of a non-UK/Irish national or other national with EUSS status by banns or common licence is from that date unlawful. Any member of the clergy who knowingly and wilfully solemnised such a marriage would be committing a criminal offence (MA s.75).

Accordingly, all sections of these notes that discuss banns and common licences should now be regarded as relating only to UK/Irish nationals or a national with EUSS status – unless otherwise specified.

#### **2.6A** *Settled or Pre-Settled Status under the EU Settlement Scheme*

Following the UK's exit from the EU and the end of the transition period on the 31 December 2020, EU free movement ended meaning that EEA citizens and their family members will require permission to enter and remain in the UK. EEA citizens and their family members lawfully resident in the UK before the end of the transition period on 31 December 2020 are required to regularise their immigration status by making an application to the EU Settlement Scheme (EUSS) for Settled Status (or Pre-Settled Status if they have not been resident in the UK for at least 5 years before making the application) before the end of the grace period on 30 June 2021. EUSS status may be granted to any nationality provided they meet the eligibility and suitability requirements of the EU Settlement Scheme.

At the end of the grace period, an EEA citizen who wishes to marry in the Church of England (CofE) or Church in Wales (CiW) and who does not hold Settled Status or

- f) The names and surnames of each party's parents, so far as those names and surnames are known to the officiating minister
- g) The name and surname of each of the witnesses in whose presence the marriage was solemnised
- h) The name and surname of the minister by whom the marriage was solemnised.

After making the record the officiating minister must sign the entry.

The register of marriage services is a record of the marriages solemnised in the church or chapel for record purposes only. It does not form part of the official marriage register maintained by the GRO and certificates of marriage are not issued from the register of marriage services.

Weddings taking place in buildings in the parish which are not licensed for the solemnisation of matrimony (eg school, college or university chapels) on the authority of a special licence are not required to be recorded in the register of marriage services for the parish church. Chapels may keep their own register of marriage services but are not required to do so.

**19.7** *The General Register Office Guidebook* – The guidance from the GRO is now made available online. It was first issued in 2012 and the most recent update was published on 10 May 2021. The GRO also issue occasional electronic newsletters. As at 1 June 2021 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 'Guidebook for the Clergy' includes detailed guidance on the marriage registration requirements including a table setting out the terminology to be used for describing marital condition when completing marriage documents and marriage schedules.

**20.1** The Parochial Fees Order 2021 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.

local register service will issue a notice to the officiating minister requiring them to deliver the marriage document or the marriage schedule to a registrar within 8 days of the day on which the notice is issued. If the marriage document or marriage schedule is still not delivered a further notice will be issued to the officiating minister requiring them to personally attend to deliver the marriage document or marriage schedule or to explain why they are not able to do so. Failure to attend the register office without reasonable cause after being given a notice to do so is an offence and the officiating minister may be liable to a fine not exceeding level 3 on the standard scale, which is currently £1000.

Whilst the local registration service will be aware of any marriage solemnised after civil preliminaries, they will not be aware of marriages solemnised after ecclesiastical preliminaries until the marriage document is received or a couple apply for a copy of their marriage certificate and it cannot be issued because the marriage document has not been delivered. The procedures for the registrar giving notice outlined above apply equally to marriage schedules and marriage documents but whereas for a marriage schedule they may be implemented immediately on expiry of the 21 day period, for a marriage document they may only be implemented once a registrar becomes aware that a marriage document has not been delivered.

### 19.5 *Registration of a Marriage*

Once the marriage document or marriage schedule has been delivered to a registrar, they must, as soon as reasonably practicable, register the marriage by entering the details from the marriage document or marriage schedule into the electronic marriage register and may then issue a certified copy of the entry on the marriage register (the marriage certificate). Note that marriage certificate is not issued to the couple automatically, rather they or their representatives must apply for a copy.

### 19.6 *Register of marriage services*

Following the withdrawal of duplicate marriage registers with effect from 4 May 2021 the Registrar General (at the request of the Church of England and Church in Wales) made The Marriage (Keeping of Records in Churches and Chapels) Regulations 2021 which require a PCC to provide a register of marriage services for each church or chapel in the parish in which banns may be published and marriages solemnised to record any marriage taking place in such church or chapel according to the rites of the Church of England or Church in Wales. The register of marriage services must record:

- a) The date and place of the marriage
- b) The name and surname of each party
- c) The date of birth of each party
- d) The occupation (if any) of each party
- e) The address of each party at the time of the marriage

Pre-Settled Status under the EUSS or a pending application to the EUSS that was submitted before 30 June 2021, will no longer be permitted to be married after the calling of banns or the issue of a common licence but instead they will have to give notice of their intention to marry at a register office and be issued with a superintendent registrar's marriage schedule (SRMS). This means that EEA citizens who do not hold Settled or Pre-Settled Status, or who do not have a pending application to the EUSS that was submitted before 30 June 2021, will be treated the same as all other foreign nationals have been since 2 March 2015 when the sham marriage referral and investigation scheme came into being. Irish citizens will continue to be exempt from the EUSS and will be free to enter the UK without permission and to marry after banns or by common licence.

As a result of these changes, any wedding taking place in the CofE/CiW on or after the 1 July 2021 where either or both of the parties are non-UK/Irish nationals and who do not have Settled Status or Pre-Settled Status under the EUSS or a pending application to the EUSS that was submitted before 30 June 2021, will only be able to take place on the authority of an SRMS (or a special licence – see below). It will be illegal for the wedding to take place after the calling of banns or by common licence. EEA citizens travelling to the UK in order to marry (in common with all other foreign nationals) will require a mandatory marriage visitor visa issued through the British embassy in the country where they normally reside before coming to the UK.

A person with EUSS Settled or Pre-Settled Status is required to provide evidence of that status by requesting a 'share code' on the 'view and prove your settled or pre-settled status page' on GOV.UK at: <https://www.gov.uk/view-prove-immigration-status>. Codes are valid for 30 days and must be provided to the member of the clergy either before or at their initial appointment to give notice to marry. The member of the clergy will input the person's name, date of birth and code into the EUSS online status checker tool on the 'check someone's settled or pre-settled status' page on GOV.UK': <https://www.gov.uk/check-immigration-status>, to confirm that the person has been granted EUSS status. The result will display details of the person, including a photograph, to enable clergy to confirm that the person does have the required EUSS Settled or Pre-Settled Status.

**2.7 Human Rights** – Since 13 March 2014, it has been lawful for a civil marriage in this country to be between couples of the same sex (M(SSC)A s.1). The Act also allowed religious organisations to opt in to conduct marriage ceremonies for same sex couples, provided the relevant governing authority of that religious organisation had given written consent to marriages of same sex couples (M(SSC)A s.4 and s.5). The legislation stated (both for England and Wales) that any duty of a member of the Anglican clergy to solemnize marriages (and the corresponding right of any person to have his/her marriage solemnized by a member of the clergy) is not extended by that Act to marriages of same sex couples (M(SSC)A s.1(4)). Where two persons of the same sex consent to or acquiesce in the solemnization of a marriage between them in

the Church of England, such a marriage is void (MA s.25(4)). The marriage of same sex couples in the Church of England at a future date would require primary legislation by General Synod. It would be lawful for a same-sex marriage to be solemnized in the Church in Wales only if, after a resolution had been passed by the Governing Body of the Church in Wales, the Lord Chancellor had made an order that provided for the marriage of same sex couples according to the rites of the Church in Wales (M(SSC)A s.8).

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

**4.** *Factors governing the choice of location* – If a non-UK/Irish national or other national with EUSS status wishes to apply for an SRMS, they are now permitted to have a marriage (by the SRMS procedure) in any church in which previously they could marry after banns (MA s.35(3B)). The categories of location and the qualifying connections set out in sections **4** and **5** still apply to all couples, except that non-UK/Irish nationals or other nationals with EUSS status must obtain an SRMS instead of banns or a common licence (MA s.5(3)); but see **8.1** & **8.2**.

**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*'. 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.* – 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

which can be printed and completed in long-hand. Alternatively, a manual stock of the marriage document can be obtained from Registration Supplies (registration.supplies@gro.gov.uk) if clergy are unable to access either of the above versions. In addition, churches who use the Church of England administration app [www.lifeeventsdiary.org](http://www.lifeeventsdiary.org) are able to create and print the marriage document for couples getting married in their church.

The marriage document must be signed by the couple, at least two (but not more than six) witnesses and the officiating minister at the point in the marriage service when the marriage registers were previously signed. Only one copy of the marriage document is issued and signed.

Bi-lingual (English & Welsh) versions of the marriage document and marriage schedule are available for weddings conducted in the Church in Wales. The marriage document or marriage schedule may be completed in English only or in English and Welsh (the English must be first with the Welsh underneath) but they cannot be completed only in Welsh.

### **19.3** *Marriage Schedule*

A marriage schedule is used to record the details of the marriage whenever the marriage takes place after the issue of a civil marriage preliminary, ie a superintendent registrar's marriage schedule which was formerly known as a superintendent registrar's certificate. A single copy of the marriage schedule will be issued to the couple, pre-populated with the information given by the couple, once the notice period (either the standard 28 day period or any extended period up to 70 days) has been completed.

The marriage schedule must be signed in the same way as a marriage document is when the marriage follows ecclesiastical preliminaries.

### **19.4** *Duty to deliver the marriage document or marriage schedule to a registrar and penalties*

Once the marriage document or marriage schedule have been signed, the officiating minister must ensure that it is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days of the date of the wedding. The officiating minister can delegate this task to another person (eg a parish administrator, one of the couple, the best man) but the duty to ensure that it is done remains the officiating minister's. The marriage document or marriage schedule may be returned in person or by normal post (there is no *requirement* to use recorded or special delivery post). The registrar is not required to acknowledge receipt of a marriage document or marriage schedule.

If the marriage document or marriage schedule are not returned within 21 days the

**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 8a.m. and 6p.m. The whole marriage ceremony must be completed by 6p.m. The signing of the marriage document or marriage schedule recording the marriage is required to be completed 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 6p.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.

#### **17.6 Participation of Ministers of other Denominations**

Replace (v) sign the registers,

with (v) sign the marriage document or marriage schedule

#### **19. Registration.** Delete all and replace with:

**19.1** On 4 May 2021 a new system of marriage registration was introduced in England and Wales when Regulations made under The Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 came into force. The Act provided for the creation of a central electronic marriage register maintained by the General Register Office (GRO) known as Registration Online, or RON. The Act also provided for the names of both parents of the couple (mother / father / parent) to be included in the marriage register instead of only their fathers' names. Any marriage which is preceded by an ecclesiastical marriage preliminary (ie banns, common licence or special licence) is recorded on a **marriage document** which the officiating minister issues and any marriage which is preceded by an SRMS (formerly an SRC) is recorded on a **marriage schedule** issued by the Superintendent Registrar of the Register Office where the couple gave notice.

#### **19.2 Marriage Document**

A marriage document is used to record the details of a marriage whenever the marriage takes place after an ecclesiastical marriage preliminary, ie. the calling of banns or on the authority of a common licence or a special licence. The officiating minister must ensure that the marriage document is issued but it may be prepared by somebody else, for example a parish administrator or churchwarden. The marriage document can be prepared in advance of the wedding and, once issued should be kept securely until the day of the marriage. The marriage document is available as a type and print version from the Local Registration Service Association (LRSA) website which can be downloaded and saved to a PC/laptop. A .PDF version is also available

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.

The changes to the law brought about by the IA regarding banns (and common licences) do not apply where the publication of banns for a non-UK/Irish national or a national who does not have EUSS Settled Status nor Pre-Settled Status is permitted on board a British warship at sea (MA s.5(3)(a)).

#### **7.6 Dates and time of publication [of banns]** – add:

No member of the clergy is obliged to publish banns of matrimony unless they are provided by both parties specified evidence in accordance with regulations made by the Registrar General (MA s.28G) to prove that both are nationals of the United Kingdom, the Republic of Ireland or have been granted Settled Status or Pre-Settled Status under the EU Settlement Scheme (MA s.8). As to the specified evidence,

clergy should follow guidance circulated by the General Register Office; the most appropriate form of evidence is an in-date passport. From 1 July 2021 a national identity card issued by an EEA state or Switzerland is no longer acceptable evidence of ID. Clergy are encouraged to follow advice issued by the Church of England Records Centre (including the Church of England Records Management Guide No. 1 “Keep or Bin? - The Care of Your Parish Records”) regarding the handling of personal data and retention/destruction of specified evidence, in accordance with the Data Protection Act.

As marriages cannot be solemnized after banns where either or both of the parties are non-UK/Irish nationals or other nationals with EUSS status, it is now strongly recommended that every minister (or, in appropriate circumstances, the relevant lay person) who receives a written notice for the publication of banns sees evidence of the couple's nationality, unless the minister is already satisfied of this (e.g. through personal knowledge of the couple). Where an application for banns has been made before 1 July 2021, but the wedding is to take place after 1 July 2021, the officiating minister should still be satisfied, by personal knowledge or by documentary evidence, of the nationalities of both parties and that the couple are entitled to use banns as the legal preliminary for their wedding.

*Dates and time of publication [of banns]* (ctd)– 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

definition of a 'sham marriage', for instance where one of the parties appears to be subject to coercion. Clergy should bring such cases to the attention of the police and their diocesan registrar.

**10.2 Procedure [for a Special Licence]** – delete the 2<sup>nd</sup> paragraph and replace with:

The parties should complete the First Enquiry form on the Faculty Office website (<https://www.facultyoffice.org.uk/special-marriage-licences/>) giving brief details. If a special licence appears necessary the couple will be sent a link to an online application portal through which they complete their parts of the application form which includes a requirement to upload copies of their passports or other sufficient evidence as proof of nationality and (where applicable) any decree absolute dissolving a prior marriage and pay the fee. The application is then submitted to the Faculty Office where it is checked and then sent on to the named officiating minister by email to enable them to log-in and complete their part of the application form. Guidance notes for couple and clergy are available as part of the application process.

After the 3<sup>rd</sup> paragraph add: Where one or both of the parties to an application are non -UK/Irish nationals or other nationals with EUSS status, the couple will be required to attend at the Faculty Office in Westminster for an interview with a member of staff of the Faculty Office before the affidavit is sworn.

**10.3 Foreign nationals, minors, divorced and unbaptized persons [and the Special Licence procedure]** – The Faculty Office's procedures for Special Licence applications from non-UK/Irish nationals or other nationals with EUSS status will involve close scrutiny of the applicants' immigration documents, consultation where necessary with the Home Office, and the interviewing of both applicants by a member of staff of the Faculty Office at its offices in Westminster.

**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.

made by the Registrar General (MA s.28G) and set out in guidance issued by the General Register Office. The preferred form of evidence is a valid passport. From 1 July 2021 a national identity card issued by an EEA state or Switzerland is no longer acceptable evidence of nationality.

**9.4 Foreign nationality or domicile** – The final paragraph should be deleted, and replaced by:

Following the changes brought about by the IA, any foreign national who is a non-UK/Irish national or other national with EUSS status must marry by the SRMS procedure (unless the marriage takes place by Special Licence).

It has been the longstanding policy of the Faculty Office to recommend to diocesan registrars and clergy that the wedding of foreign nationals takes place by common licence. Given that a common licence is no longer a permitted legal preliminary for non-UK/Irish nationals or other nationals with EUSS status, this advice has been largely superseded by the commencement of the IA. Ultimately it is a decision for the member of the clergy in question to advise couples where one or both are overseas nationals with EUSS status on whether banns or a common licence are the suitable legal marriage preliminary, having sought guidance where necessary from the diocesan registrar.

For weddings in the Church in Wales involving overseas nationals with EUSS status, 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.

**9.5 Marriages of foreign nationals subject to immigration control** – Since 2 March 2015 all couples seeking an Anglican marriage where one or both were non-EEA nationals have had to follow the SRC (now SRMS) procedure (unless the marriage takes place by Special Licence). From 1 July 2021 this is extended to all couples where one or both are non-UK/Irish nationals or other nationals with EUSS status. There is a referral and investigation procedure where neither of the parties are exempted from that scheme, including the possibility of the notice-period being extended for up to seventy days.

The marriage law sections in the IA were enacted by the Government due to a contemporary concern that some couples (where either or both of the parties is a non-UK/Irish national or EUSS status holder) might be contracting marriage solely for immigration reasons. The IA includes a new statutory definition of a 'sham marriage', i.e. a marriage where there is no genuine relationship between the parties of the marriage and that it is being entered into for the purpose of avoiding UK immigration law or enabling a party to obtain a right to reside in the UK (IA s.55). Clergy should still be mindful that a marriage might be suspect even if it does not fall within this

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.

#### *7.9 Banns for minors should now read "Minimum Age for marriage"*

Following the coming into force on 27 February 2023 of the Marriage and Civil Partnership (Minimum Age) Act 2022, the minimum age at which a person may be married (or enter into a civil partnership) was increased from 16 (provided they had parental consent) to 18. Accordingly Banns of marriage can no longer be read to authorise the marriage of a person who would be under the age of 18 at the date of their marriage.

#### *7.10 Objections to Banns*

Delete the entire section save for the final paragraph at the top of page 33.

## 8. Superintendent Registrar's Marriage Schedule (SRMS)

**8.1** *The SRMS (prior to 4 May 2021 known as Superintendent Registrar's Certificate (SRC)) procedure and Anglican marriage & 8.2 Notice in district of residence – add:*

If a non-UK/Irish national or other national with EUSS status wish to contract an Anglican marriage, he/she and his/her fiancé(e) must now jointly apply for an SRMS. Such couples are permitted to have a marriage by the SRMS procedure in any church in which, before 1 July 2021 they could have been married after banns (or by common licence) (MA s.35(3B)). **This has not been extended to UK/Irish nationals or other nationals with EUSS status; any UK/Irish national or other national with EUSS status wishing to obtain an SRMS must still be a parishioner or on that church's electoral roll.**

An application for SRMS involving non-UK/Irish nationals or other nationals with EUSS status must be made by the couple giving notice of the proposed marriage together, in person, at the parties' local register office (from 1 July 2021 every register office in England and Wales will become a 'designated' register office).

Both parties must have been resident for at least seven full days in a registration district in England or Wales before the day on which they give notice.

When attending at the register office to give notice, each party will need to provide evidence of their name, date of birth, nationality and place of residence and may also be required to provide additional information, evidence or photographs. They will also need to provide details of the church or chapel where they intend to marry, the consent of the minister in charge of the church or chapel, and their entitlement to marry there. They should check with the register office what documents and other information they will need to bring with them.

The couple should always contact the minister of the church where they wish to marry before giving notice at the register office. This will enable the minister and the parties to establish the nature of the parties' legal entitlement (e.g. residence, electoral roll membership, qualifying connection), if any, to marry in that church building. Even if an SRMS is issued, the minister must still satisfy him/herself that the couple have the necessary legal entitlement (for example as required by CEMM s.1(8)). It will also mean that arrangements can be made for the marriage preparation required by Canon B 30.

**8.2(ii)** *Notice in district of residence [SRMS procedure] – From 9 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.*

**8.3** *Procedure following notice – The period for the details to be displayed in the marriage notice book, previously fifteen days, has been increased to twenty-eight days for all applicants (MA s31(1) as amended by IA Sch 4 s.10(2)).*

Registration officials will be required to refer all marriage notices to the Home Office if one or both of the parties is a non-UK/Irish national or other national with EUSS status who does not provide specified evidence that they have (a) settled status in the UK (Indefinite Leave to Enter or Remain), (b) an EUSS Settled or Pre-Settled status right of permanent residence in the UK, (c) a marriage visa, or (d) exemption from immigration control (e.g. with the right of abode in the UK). Registration officials will be required to tell a couple when their proposed marriage is to be referred to the Home Office under the scheme and to explain to them the implications of this.

The Home Office may decide to extend the 28 day notice period up to a maximum of 70 days only where there are reasonable grounds for suspecting a sham marriage. The Home Office will write to both parties and the registration official to inform them of the decision as to whether the couple can proceed with their marriage after twenty-eight days, or whether their notice period has been extended to seventy days to allow an investigation to take place.

If the couple's notice period is extended to 70 days, they will be required to comply with any Home Office investigation. If they do not comply with the investigation, they will be unable to marry on the basis of that notice.

**8.5** *Validity period – Given the changes to marriage law brought about by the IA, including the extension of the notice-period at the register office and the potential seventy-day investigation period, it is no longer recommended that clergy accept an SRMS only within the three-month period of it being issued, but should now do so at any time within the twelve-month period of its validity.*

**9.1** *Advantages of a common licence – Replace "it is recommended where a party or parties is resident outside England or Wales or where a party is a foreign national" with:*

Marriage by common licence is necessary where either or both parties are resident outside England/Wales.

**9.2** *Qualifications for the [common] licence – Add:*

A common licence cannot be granted unless the persons to be married deliver to the person granting the licence specified evidence that both of the persons are nationals of the United Kingdom, the Republic of Ireland or hold EUSS Settled or Pre-Settled status. The "specified evidence" means evidence in accordance with regulations