

D12 MARRIAGE¹

These guidelines should be read in conjunction with Canons B30-35, 'Anglican Marriage in England and Wales - a Guide to the Law for Clergy' published by the Faculty Office of the Archbishop of Canterbury and 'Suggestions for the Guidance of Clergy, with reference to the Marriage and Registration Acts', issued by the Registrar General. Contact details for the Faculty Office and the Registrar General can be found at the end of this section. The Church of England Marriage Measure 2008 takes effect from 1st October 2008 and these guidelines reflect those changes. [A collection of frequently asked questions relating to the new Measure can be found at:](http://cofe.anglican.org/info/socialpublic/marriagefamily/marriageanddivorce/marriageanddivorce/mmqanda.doc)

General

Generally, persons legally qualified to marry are entitled to be married in church [in a parish where](#) one of them possesses the legal qualification of residence. The incumbent has a general duty to marry a parishioner, i.e. the person with the legal qualification of residence. This duty does not extend to the marriage of any person, whose previous marriage has been dissolved on any ground and whose former spouse is still living, or to permitting the marriage of such a person in his church. Marriages may take place at any time between the hours of 8.00a.m. and 6.00p.m. unless a special licence has been granted by the Archbishop of Canterbury and may only take place in accordance with the rites of the Church of England in a Church or other building in which banns may be published, unless a special licence has been granted. Before a marriage can take place banns must have been published, or an ecclesiastical licence issued, or a Superintendent Registrar's Certificate issued.

Under the new law couples will have the same right to marry, without a Special Licence, in the parish church of a parish with which one or both of them can show that he or she has a 'qualifying connection' of the kind specified in the Measure.

Qualifications of the Parties

The legal qualifications for marriage are that each party must be at least 16 years of age, they must not be within the prohibited degrees of kindred and affinity and, if either party is a minor, i.e. under the age of 18 years, either parent or guardian may dissent, in which case the publication of the banns is void. In the case of a party to the marriage being under 18 years of age, certain consents are required: this point should be checked with the Diocesan Registrar in each case.

Baptism is not an essential requirement for the solemnisation of marriage in church.

Qualifying connections under the new Measure:

The person concerned:

was baptised in the parish; or

has been confirmed and the confirmation has been entered in a church register book belonging to the parish. (this would have been done on the basis that the person concerned was prepared for confirmation in the parish); or

has at any time had his or her usual place of residence in the parish for at least 6 months;

or
has at any time habitually attended public worship in the parish for at least 6 months

or
That the person's parent has at anytime during the person's lifetime:
had his or her usual place of residence in the parish for at least 6 months; or
habitually attended public worship in the parish for at least 6 months;

or
That the person's parent or grandparent was married in the parish.

[A Bishop's Common Licence may be granted if residence or one of the new qualifying connections applies and it will take the place of banns.](#)

Foreigners

A marriage involving a foreigner without English residence qualifications can be by licence only and not after banns. It is recommended that even when a foreigner has a residential qualification the marriage should be by licence, unless they are a national of a traditionally Christian country in Western Europe, North America, Australia etc.. The parties to the marriage should in every case satisfy themselves by consulting the consul of the foreign country concerned that the marriage will be valid in that country and that the legal requirements of that country are also complied with.

One Party Resident either in Northern Ireland or the Republic of Ireland or in Scotland

Where banns have been published on behalf of one of the intended parties in a parish church in the Church of Ireland a certificate that the banns have been so published is sufficient as respects that party. In Scotland, the Episcopal Church has never published banns and the Church of Scotland now only proclaims banns for "religious purposes". This does not satisfy the requirements of S(13) of the Marriage Act. It follows that where a party lives in Scotland, the recommended course is to marry by Common Licence.

Service Personnel

It is permissible for the banns of the service personnel to be read in their home parish if stationed in the UK or abroad.

One or both Parties Divorced

See section D13 Marriage in church after divorce. The marriage in such a case, or the use of the Church, is at the discretion of the incumbent. The authority for the marriage may be either banns or a Superintendent Registrar's Certificate. [An ecclesiastical licence may also be granted, but it is always at the Bishop's or Archbishop's discretion.](#)

Authorities

Banns

Banns must be published [in the parish where the marriage will take place](#) and in the parishes in which each of the parties resides for three Sundays before the marriage, though not necessarily on three consecutive Sundays. Banns publication must be of the true name of the parties and of the parish or parishes in which they reside. Their descriptions are not necessary and a misdescription is immaterial. If the legal

qualifications are fulfilled the parties are entitled to have their banns called. The marriage must take place within three months of the date on which the banns are called for the third time.

Ecclesiastical Licences

Common Licence

This issue is a matter of favour by the diocesan bishop through the office of the Diocesan Registrar. Personal attendance before a surrogate and the swearing of an Affidavit are required. For the qualifications see below. Particulars of fees for Licences are obtainable from the Diocesan Registrar. The marriage must take place within three months of the date of the Licence.

Special Licence

A special licence may be granted by the Archbishop of Canterbury for marriage at any place without residence qualification or at any time, but is granted only in exceptional circumstances and the reasons for requiring a special licence must meet with the Archbishop's approval. Personal written application must be made to the Archbishop's Registrar at the Faculty Office. The marriage must take place within three months of the date of the licence.

Superintendent Registrar's Certificate

A marriage according to the rites of the Church of England may be solemnized on the authority of a Certificate of Superintendent Registrar in any church or chapel in which banns may be published. The parties must have the legal qualifications, including that of residence (see below). The marriage may not be solemnized until twenty one days after the day in which notice was entered in the marriage notice book: subject to that, it may be solemnized at any time within three months from that day.

Residence Requirements

The new Measure will make residence less important but where it remains a qualifying factor, its precise definition in law is unclear and clergy will often have to form their own conclusions as to whether there is a genuine local residence sufficient for one of the parties to qualify. Where there is any doubt, please refer to the Diocesan Registrar, or in the case of a Superintendent Registrar's Certificate to the relevant civil registrar.

Please note that someone may also qualify to be married in a parish, even though they do not live there, if that parish is their usual place of worship and they are also on the electoral roll. [This has always been regarded as the equivalent of residence.](#)

Banns

The legal requirement is that one of the parties must reside in the parish [or have the qualifying connection](#) when the application to call banns is made.

Common Licence

The requirement is that one of the parties must have had their usual place of residence for 15 days [or have a qualifying connection immediately](#) before the Licence is granted.

Superintendent Registrar's Certificate

The requirement is that one party must have resided in the registration district for 7 days immediately before giving notice of the marriage.

United Benefices

Where benefices are held in plurality [by the same incumbent](#) or there are two or more parishes or parish churches in the area of a single benefice, the bishop can give directions [allowing banns to be published](#), and marriages solemnized [in any parishes in the benefice, irrespective of exactly where the couple have their residence or other qualification](#). In the absence of any directions given by the a person resident in parish A is [not](#) entitled to be married in parish B or C [even though they are the same benefice](#). [Residence and the new Measure's](#) qualifications for marriage relate to the parish and not the benefice.

Remarriage of divorced people

For guidelines on the remarriage of those who have been divorced see D13.

Photographs and Video recordings

It is the incumbent's decision whether photographs are allowed during the service. If they are permitted, clear guidelines should be issued as to who may take photographs, when during the service, and where from, and also whether flash photography is permitted.

If the service is to be recorded it is subject to the law of copyright (see E6)

Useful Addresses

Faculty Office
1 The Sanctuary
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0207 222 5381

Registrar General
Smedley Hydro
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