

Marriage law– Answers to Frequently Asked Questions

Who can marry by Banns or Common Licence?

Only the following persons may use ecclesiastical preliminaries (banns or Common Licence):

- British citizens
- Irish citizens
- Persons with 'settled' or 'pre-settled' status under the EU Settlement Scheme, who will have to prove this using a web tool at: <https://www.gov.uk/view-prove-immigration-status>

If a person does not fall into one of the above categories, then they are not eligible to use ecclesiastical preliminaries, and the couple should be referred to their local register office(s) to give notice of their intended marriage. This is the case even if the person can show that they have 'indefinite leave to remain' or a marriage visa. This starts the civil preliminary and should ultimately result in the issue of a marriage schedule.

Please see also the [Specified Evidence Checklist](#).

Can a person marry in church after divorce?

It is lawful for a person to marry in church after divorce. However, if a person has been divorced and his or her former spouse is still living, you do not have to marry them if you do not wish to. If you do wish to, you should check how many times they have been divorced and complete the [MICAD document](#) with them.

In his [Ad Clerum 3b.2](#), the Bishop requests that you consult with him before marrying a couple in this situation. If the couple wish to marry by Common Licence, the Bishop's permission is a requirement.

Although clergy have a right not to marry a divorced person with a former spouse still living, you cannot frustrate the marriage in other ways, such as by refusing to call banns for a marriage to be held elsewhere.

Who has the right to marry in my church?

- A person may only marry in church if he or she has a right to do so.
- It is always necessary to establish a right to marry.

Parish priests have no discretion to offer use of their church to persons without a right to marry there. Marriage is therefore different to burial, baptism or other services in this regard.

Those with a right to marry in your church are:

- Parishioners
- Those on the electoral roll
- Those baptised in the parish (other than as part of confirmation service)
- Those prepared for confirmation in the parish and entered in confirmation book

- Those whose usual place of residence has been in the parish for at least six months at any time
- Those who have habitually attended at public worship for a six-month period at any time (this is usually a minimum of once a month for six full months, but can be less frequently for a longer period of time – do ask the Registry if in any doubt)
- Those whose parent(s) have lived in the parish for a period of at least six months during the person's lifetime
- Those whose parent(s) habitually attended public worship in the parish for a six-month period at any time during that person's lifetime
- Those with a parent or grandparent who was married in the parish.

Please contact your archdeacon or the registry for more information about how couples might evidence these rights.

Who can take the service?

Church of England clergy from other Dioceses can take a wedding in your church if the Incumbent is happy for them to do so. Before agreeing, do check that the person has a current entry on the [National Register of Clergy](#) and contact the Bishop's Chaplain to check that the person is in good standing in their Diocese.

If you would like to take a wedding in another Diocese, you will need the permission of the Incumbent. If they are content, do contact the Bishop's chaplain for that Diocese so that the relevant Bishop is aware.

What about other denominations?

Ministers of other denominations cannot take a Church of England marriage service, but they can be invited to say prayers or do a reading if the couple has so requested. They should not expect payment for this.

Similarly, Church of England clergy should not undertake a substantial part of a marriage service hosted by another denomination but may, at the request of the couple and by the invitation of the other denomination, assist with prayers or readings.

More guidance on ecumenical marriage services is available in the [Ecumenical Code of Practice 2019](#).

It is not permissible for a marriage service of another denomination to take place within a Church of England church, unless that church is the subject of a formal sharing agreement under the [Sharing of Church Buildings Act 1969](#).

What if there is building work in my church?

If the building work closes the church for regular worship, couples have the right to marry and have their banns called in any parish that shares a border with yours. From a legal perspective, the marriage is still taking place in your church and so the banns should be called and recorded and the marriage document completed as if the wedding was taking

place in your church. This is in part because future generations will be able to claim a qualifying connection with the church the wedding takes place in.

If the building work won't close your church for worship, you should inform the couple as soon as possible in case they wish to re-arrange their wedding in a different location where they have a qualifying connection, or postpone until a later date when the works will be completed. Sadly, it is not possible for a couple to claim a right to marry in a neighbouring parish merely because the church building is not "looking its best".

Banns

Only one preliminary is ever needed. The main preliminaries are banns, common licence and Superintendent Registrar's Marriage Schedule. For emergencies such as bedside weddings, contact the Faculty Office of the Archbishop of Canterbury: Email is the best way to contact them using faculty.office@1thesanctuary.com

Banns can only be called for relevant nationals (see nationality requirements), who are resident in England or Wales. Relevant nationals resident in Scotland, the Channel Islands or abroad will need a Common Licence.

Away banns

The couple is responsible for arranging for away banns to be called, but you should inform them of the need and help them identify the other Parishes where banns need to be called, using the A Church Near You website if you don't already know.

If you are asked to call away banns you can rely on confirmation from the minister conducting the service that all the relevant checks have been done, should you wish to, but you have the right to see the necessary documentation yourself. In any event, do check that the couple are asking for banns to be called in the correct Parish – the nearest church is not always the Parish of residence.

The calling of banns in services

Banns must be called inside the parish church by a member of the clergy. A lay person may only call banns if they have led the service and there are no clergy present. Banns must be called three successive Sundays, but there can be gaps in between – they don't have to be called three Sundays in a row. This can be helpful if a church doesn't have services every week. The banns should be called in the church where the couple are getting married, as well as the parishes where they live – both if they are living apart. This means that, for some couples, banns must be called in up to three churches.

The timing of banns

Banns must be correct at the time they are called. The qualifying connection must be in place before the calling of the first set of banns, and both the bride and groom must be adults. As long as a person was resident in your parish when you started calling the banns it doesn't matter if they move afterwards – even during the period that the banns are being called.

United Benefices and Team Ministries

Banns must be called in the church where the wedding is to take place, unless there is a Section 23 Order in place. The Registry will know if you have one, and how things work if you do. If you do not have a Section 23 Order you cannot call banns in one church for a wedding in another church in the Benefice or Team, nor can you accept a qualifying connection for one church in the Benefice or Team for a wedding in another. Slightly different rules apply for Parish Centres of Worship – do ask for advice if this applies to you.

The marriage document

Marriage documents have replaced marriage certificates and are now the principal document signed during the marriage service.

Marriage documents are completed where an 'ecclesiastical preliminary' has been used – that is, where the couple have married after banns, or by common or special licence.

Where a couple have obtained a marriage schedule from the civil superintendent registrar, that marriage schedule takes the place of the marriage document. In these cases, the marriage schedule is signed during the service and no marriage document should be produced.

If you still have marriage registers in your church you should make arrangements with your local register office or archive/records office for them to be collected or delivered.

Although the Church will no longer hold the official public marriage registers, each parish must continue to record marriages taking place (in much the same way as baptisms and confirmations are recorded). Churches should therefore obtain a book to do this. This book is entitled the 'Register of Marriage Services' and is available from [Church House Publishing](#).

Completing the marriage document

Guidance on how to complete the marriage document is available in the booklet [Guidance for the clergy](#) published by the General Register Office.

When a marriage is solemnized by the incumbent or curate of a parish other than that in which the marriage takes place, he or she should describe himself or herself in the attestation as 'Rector (Vicar, or Curate) of' adding the name of his or her incumbency or parish. Retired Clergy holding permission to officiate should describe themselves as 'Officiating Minister of' adding the name of his or her parish.

The parish for retired clergy is usually their parish of residence, but if they habitually worship in another parish, it is the parish where they worship that should be listed.

There is the option for up to four parents, including step-parents, but if either of the couple does not wish to supply this information, you should put a line in the box.

After the service

The couple are lawfully married on the day of their marriage service, but the marriage needs to be registered afterwards. This is achieved by delivering the marriage document or marriage schedule to the local civil register office, and must be done within 21 days of the service.

Although the responsibility for ensuring the safe return of the marriage document or marriage schedule to the civil register office rests with the clergy person, that clergy person could choose to ask others for practical help with this task, such as by asking a parish administrator or other colleague to deliver the document on his or her behalf.

There is no legal basis for keeping a copy of the document, but there is a requirement to record the fact that the wedding took place in your church in the 'Register of Marriage Services' described above.

The couple will need to arrange with the civil register office for a copy of their marriage certificate once this is produced. This is not an automatic process and usually requires the couple to place an order on the relevant local authority's website and to pay the applicable fee.

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