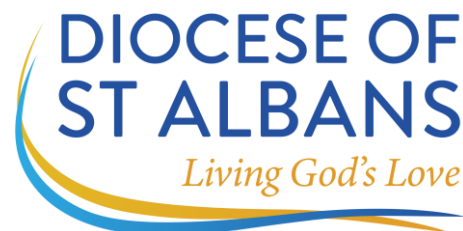


FAO: CLERGY IN THE DIOCESE
FROM: THE DIOCESAN REGISTRAR
RE: MARRIAGE PRELIMINARIES



This note should be read in conjunction with:

General Register Office: *Guidebook for the Clergy*
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657346/Guidebook_for_The_Clergy_4.11.2017.pdf)

Faculty Office: *Anglican Marriage in England and Wales. A guide to the law for Clergy*
Obtainable from The Faculty Office, 1 The Sanctuary, Westminster, London SW1P 3JT Tel: 020 7222 5381
www.facultyoffice.org.uk

House of Bishops: *Church of England Marriage Measure 2008 – Guidance*:
<https://churchsupporthub.org/marriage-measure/>

ADVICE TO CLERGY REGARDING MARRIAGE IN CHURCH AFTER DIVORCE
<http://www.facultyoffice.org.uk/wp-content/uploads/2013/12/Divorce-HoB-Advice.pdf>

All four of these documents should be considered essential reading.

Non-UK/EEA/Swiss Nationals

Since 2 March 2015 it has been unlawful for a marriage to proceed by banns or common licence unless both bride and groom are “relevant nationals” (a UK national, Swiss national, or a national of a country in the European Economic Area). Depending on precise circumstances, the marriage may also be void at law. A member of the clergy who knowingly and wilfully solemnises such a marriage may be committing a criminal offence; the maximum penalty for such offences under the *Marriage Act* is a term of imprisonment of fourteen years.

It is still, technically, possible for non relevant nationals to be married by Archbishop's Special Licence. The Faculty Office <http://www.facultyoffice.org.uk> can advise in detail on this.

However, for the vast majority of such couples, the appropriate form of marriage preliminary will be a Superintendent Registrar's Certificate, obtained from a (civil) Designated Registry Office. Clergy should therefore direct couples to their nearest Designated Registry Office. Within the Diocese, these are located in Hatfield and Luton (though for some couples, offices outside the Diocese, e.g. Barnet/ Northampton may be closer).

Couples should be directed to the relevant Government guidance here: <https://www.gov.uk/marriages-civil-partnerships/foreign-national>. Once issued, a Superintendent Registrar's Certificate is an alternative to a banns certificate or Common Licence, so banns of marriage do not need to be called.

Common Licences

Since March 2015, the number of Common Licences applied for and issued has significantly decreased. The main reasons for seeking a Bishop's Common Licence rather than publishing banns are as follows:

1. One or both of the parties are not resident in England & Wales, so cannot have their banns called in their home parish;
2. Banns cannot be called in one or more of the required churches on three Sundays before the wedding for whatever reason;

3. An error is discovered in the calling of banns at a late stage; or
4. A clergyperson, in their discretion, advises a couple to seek a Common Licence (perhaps due to uncertainty over paperwork provided).

If any of the above apply, please contact your local Surrogate or the Diocesan Registry. In relation to category 4 above, please contact the Registry for advice before sending a couple to the Surrogate.

Banns

Following the recent change in the law, Clergy should not treat Swiss and EEA nationals any differently from British nationals in the calling of Banns.

Clergy are reminded that a marriage must be solemnized within three months of the final occasion on which the banns were called.

Any questions as to the interpretation of the “qualifying connections” provisions should be checked with the Diocesan Registry before arrangements are made for the calling of banns.

Specified Evidence

Further to the recent amendments to Section 8 of the *Marriage Act*, which came into force in March 2015, no member of the clergy should publish banns without having seen evidence, in a form specified by the Secretary of State, that both bride and groom are relevant nationals.

Where the bride and groom can provide a valid, in-date passport, the requirements are straightforward. If this is not the case the position is, sadly, more complex. We have prepared a ‘one side of paper’ summary of the requirements, together with a checklist which will (we hope) assist clergy in confirming that the required paperwork has been provided. We have endeavoured to set out these new requirements as simply as possible; unfortunately the regulations are rather complex!

Banns often need to be read in more than one parish. Strictly speaking, each minister may refuse to call banns if they have not seen the original documentation provided as specified evidence. However, to save duplication of effort, clergy might consider it appropriate for the minister conducting the service to see the original documentation, take photocopies, and then send copies (together with the signed checklist) to any clergy calling the couple’s banns elsewhere.

Such photocopies should be retained for a reasonable period after the wedding, and then be destroyed. We would suggest that a retention period of three years following the wedding would be appropriate (under the Marriage Act, any criminal prosecutions must be commenced within 3 years of the date of the wedding).

Where a party cannot provide the necessary specified evidence, they may still be able to marry in Church, but they will need to obtain a Superintendent Registrar’s Certificate (instead of a banns certificate or Common Licence). Please refer such couples to the local Register Office in the first instance.

M.J. Chinery
Diocesan Registrar

30 January 2019

SPECIFIED EVIDENCE

MARRIAGE BY BANNS OR COMMON LICENCE

Both parties to the marriage must provide specified evidence that they are UK/EEA/Swiss

nationals prior to applying for a Common Licence, or prior to the publication of banns.

Specified evidence means:

1. Current UK/EEA/Swiss Passport; **OR**
2. Current National Identity Card from an EEA country or Switzerland;

If each party can produce one of the above, this is all that is required. If not, see 3-5 below.

-
3. Certificate of Registration/Certificate of Naturalisation as a British Citizen from the Secretary of State PLUS one of the documents in section 6 below (to establish current use of name); **OR**

4. **IF BORN BEFORE 01/01/1983** a UK birth certificate PLUS one of the documents in section 6 below; **OR**

5. **IF BORN BETWEEN 01/01/1983 and 30/06/2006¹:**

- a. a full UK birth certificate² PLUS
- b. proof that one parent was a British National or proof that they had indefinite leave to remain in the UK at the time of the birth³ PLUS
- c. [if relying on the father as the British National, the parents' marriage certificate] PLUS
- d. one of the documents in section 6 below.

6. **PROOF OF CURRENT USE OF NAME (see sections 3-5 above).**

- a. Utility bill (from last 3 months)
- b. Bank or Building Society statement (from last 1 month)
- c. Council Tax bill (from last 12 months)
- d. Mortgage Statement (from last 12 months)
- e. Current Tenancy Agreement; or
- f. Valid full UK Driving Licence or provisional Driving Licence; or
- g. Validly executed Deed Poll changing name PLUS one of (a) to (f) above showing current use of the (changed) name.

-
7. If a party to the marriage has changed their name from that shown on any of the above documentation, they also need to provide evidence of the change (deed poll, previous marriage certificate, decree absolute *etc*).

¹ Different identity requirements apply for those born on or after 1 July 2006, but this will not become relevant for marriages until at least 2022. Updated guidance will be provided in due course

² I.e. a birth certificate that shows parents' full names

³ E.g. British passport which was valid at the time of the birth, or parent's UK birth certificate from before 01/01/1983. If in doubt please contact Diocesan Registry for advice.

MARRIAGE BY BANNS OR COMMON LICENCE SPECIFIED EVIDENCE OF BRITISH/EEA/SWISS NATIONALITY

BRIDE

GROOM

1 – Valid UK/Swiss/EEA Passport

Tick if relevant

☐☐

2 – Valid Swiss/EEA National ID Card

Tick if relevant.

☐☐

3 - Certificate of Registration/Certificate of Naturalisation as a British Citizen

Tick if relevant AND GO TO q6

☐☐

4 – UK Birth Certificate (before 01/01/1983)

Tick if relevant AND GO TO q6

☐☐

5 – UK Birth Certificate (on or after 01/01/1983)

Tick if relevant AND GO TO q5b & q6

☐☐

5b – Proof that parent was UK national at time of birth

Tick if relevant.

☐☐

5c – Parent's marriage certificate if applicable (see overleaf)

Tick if relevant.

☐☐

6 – Proof of current use of name

Write a,b,c,d,e or f in box

☐☐

7 - Evidence of change of name (if applicable)

Tick if relevant

☐☐

I have seen the **original** documents listed above and am therefore satisfied that both Bride and Groom are Relevant Nationals for the purpose of the *Marriage Act 1949*

Signature
Clerk in Holy Orders

Print Name