

Wedding Information Sheet 2

Marriage and the Law

Legal requirements and restrictions:

- ⊙ The 'canon' law of the Church of England generally reflects the law of the land. This is because a wedding service is a legal ceremony and there are therefore certain requirements that must be met.
- ⊙ The law of England provides that every person (regardless of their nationality) resident in a parish has a right to be married by banns in the parish church according to the rites and ceremonies of the Church of England. This is the case regardless of whether either or both of the couple are baptised but it is dependent on there being no legal impediment (see the section Who May Marry? below). Indeed because the Church of England is the Established church of the land, any couple, one of whom is resident in the parish, may marry in the parish church, even if one or both of them are members of another religion.
- ⊙ It is worth noting that the Vicar, Rector or Priest-in-charge of a parish church is not obliged to conduct a marriage herself, provided that she arranges for another Anglican clergyperson to take the service, but she must allow the parish church to be used.

Who may conduct a wedding ceremony?

- ⊙ A legal marriage in England must be solemnised by an authorised person. This means a registrar of any register office, an ordained minister of the Church of England or a minister of other religious denominations who have been legally authorised to register marriages.
- ⊙ Occasionally couples may wish for a particular member of the clergy to conduct their wedding—possible from another parish, or even another Christian denomination. This can only happen with the consent of the Rector, so please discuss the possibility as early on as possible.

Who may marry?

- ⊙ In the UK weddings may only take place between a couple where one partner was born male and one partner was born female. Both partners must be over the age of 16. In England or Wales, if either is under 18 a parent or legal guardian must give written permission for the marriage to go ahead.
- ⊙ If however, someone under 18 has been married and is now divorced or widowed, this consent is not needed. Certain members of families may not marry. These

couplings are set-out in the Marriage Act of 1986. Many of these prohibited relationships will be obvious (you may not marry one of your siblings for example) and others are rare, but similarly obvious (you may not marry, for example, a former wife or husband's parent!).

- ⊙ Marriages between first cousins were previously prohibited, but they may now marry each other. Should you be in any doubt, clergy can provide you with a complete table of marriages that are prohibited by law.

When and where may ceremonies take place?

- ⊙ Weddings may take place only between the hours of 8am and 6pm. Many years ago clandestine marriages used to take place under the cover of darkness. These timing restrictions were introduced to eradicate such secret unions!
- ⊙ Marriages where one or both of the couple are house-bound or where one or both of the couple is detained as a prisoner or under the Mental Health Act for at least three months, may be solemnised by a Superintendent Registrar's Certificate at the residence of the person who is house-bound or detained. Such weddings are less rare and may also take place outside the hours of 8am – 6pm.
- ⊙ All marriages must be witnessed by two people over the age of 18, both of whom must then sign the marriage register.

Can our marriage take place at St Mary's Church?

According to the Marriage Measure of 2008, your marriage may take place at St Mary's if any of the following apply:

- ⊙ If you or your partner are resident in the ecclesiastical parish of East Barnet (check the parish website for the parish map, or contact the Parish Office if you are unsure)
- ⊙ If you or your partner have registered on the electoral roll of the parish (please note this is not the same as the civil register of electors). If you do not live in the parish, you can only register on the electoral roll if you are baptised and have regularly* attended normal church services at St Mary's for a period of at least 6 months
- ⊙ If you or your partner were baptised (christened) at St Mary's, or prepared for confirmation in the parish
- ⊙ If you or your partner have at any time lived in the parish for a period of at least 6 months or have at any time regularly* attended normal church services at St Mary's for a period of at least 6 months

- ⊙ If one of your parents has lived in the parish for a period of at least 6 months, or has regularly* gone to normal church services at St Mary's for a period of at least 6 months *since you were born*
- ⊙ If one of your parents or grandparents was married at St Mary's

* *Attending 'regularly' is understood to be at least once a month*

In all cases involving church services - i.e. going to normal church services, baptism, confirmation or marriage - this applies only to Church of England services.

Even if you cannot demonstrate any of the above connections, we want to help you explore whether it may still be possible for you to marry in the church of your choice.

What if one of us has been married before?

- ⊙ No one who is already married to a living spouse may marry someone else. If a person does go through a second marriage ceremony in such circumstances, the second marriage is invalid and the person is committing the crime of bigamy.
- ⊙ Widows or widowers may, of course, re-marry, either in a civil or in a religious ceremony.
- ⊙ There is no limit on the number of times a person may marry, but they must be legally free to do so, i.e. their previous marriage must have been dissolved and a **decree absolute** granted, and this must be produced as evidence of such at the time of booking.
- ⊙ Second, or 'further marriages' may take place, but there are certain conditions which must be met to the satisfaction of the Rector.
- ⊙ If, for whatever reason, a marriage ceremony is not felt to be appropriate, a service of blessing or dedication in church following a civil ceremony is always possible.

What are Banns?

- ⊙ Marriage by Banns is the easiest and most commonly used method. Banns give notice of your forthcoming wedding, being read out in both the bride and the groom's parish churches on three consecutive Sundays in the period three months before the wedding. At St Mary's the banns are usually read on the first three Sundays of the month before the wedding is to take place.
- ⊙ If you do not live in St Mary's parish, you will need to contact the priest of the parish in which you do live, and he or she will arrange for the banns to be "called" (to use its technical term) there. If you both live outside the parish and in different parishes,

the banns will need to be called in both parishes as well as at St Mary's. When the 'away banns' have been called, you will give you a banns certificate, to give the priest who will be marrying you. The marriage cannot legally take place until the officiating priest has seen the banns certificate.

- ⊙ When you make arrangements for the banns to be called in both the bride and the groom's parishes you will need the same information. This is your full names, dates of birth, addresses from which you will be getting married, your occupations and your fathers' names.
- ⊙ Either way it is customary for couples to attend the calling of their banns. These will take place during the main act of worship on Sundays. Attendance will help you feel more comfortable with the church surroundings and this will have obvious benefits in terms of your nervousness on the big day!

What is one of us is a foreign national?

- ⊙ Although, as stated above, every person in England has the legal right to be married by banns in the local parish church, marriage by banns is not always regarded as valid in some countries. If one or both partners do not hold a UK passport, then the marriage can still take place in the parish church, but will need to be by *common licence* rather than banns.
- ⊙ To obtain a common licence, you will need to contact the Diocesan Registrar, or a local Surrogate for Marriage Licences.

*This information is drawn from a number of sources, including
'The Church Wedding Handbook' (SPCK, 2000).*