

# Draft Church of England Marriage (Amendment) Measure

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## A DRAFT OF A MEASURE

To amend the Church of England Marriage Measure 2008 to widen the conditions for establishing the qualifying connections of persons intending to be married in certain cases and to provide for the form of banns of matrimony where the form set out in the Book of Common Prayer is not used **and for the time of the publication of banns**; and for connected purposes.

**1 Qualifying connections under section 1 of the Church of England Marriage Measure 2008**

- (1) After section 1 of the Church of England Marriage Measure 2008 (“the 2008 Measure”) there shall be inserted the following section—

“1A Further provisions as to qualifying connections

- (1) Where a person intending to be married has, under section 1 above, a qualifying connection with a parish belonging to a benefice and—

- (a) a direction is in force under section 23 of the 1949 Act in respect of another benefice held in plurality, or
- (b) a direction is in force under section 23, as extended by paragraph 14(4) of Schedule 3 to the Pastoral Measure 1983, in respect of a church or chapel of another parish in the same benefice,

the marriage may be solemnized and the banns of the marriage may be published under and in accordance with section 1 in any church or chapel specified in the direction.

- (2) Where—

- (a) a parish church, or a public chapel to which section 1(10) above applies, is being rebuilt or repaired and on that account is not being used for divine service, and
- (b) a person intends to be married on the basis of a qualifying connection under section 1 with the parish in which that church or chapel is situated,

the marriage of that person may be solemnized and the banns of that marriage may be published under and in accordance with section 1 in any building in which, under section 18 of the 1949 Act, the marriage could be solemnized and the banns published, whether or not that building is situated within that parish.

- (3) Section 6(3) of the 1949 Act shall apply for the purposes of section 1 above as it applies for the purposes of that section and a person who has the right to have banns published in an adjoining parish under

that subsection shall be deemed to have a qualifying connection under section 1 with that parish.

(4) Where a church or other building licensed for public worship has been designated, under section 29(2) of the Pastoral Measure 1983, as a parish centre of worship and the parish has no parish church, section 29(3) of that Measure shall apply for the purposes of section 1 above.”.

- (2) In section 1(2) of the 2008 Measure, after the wording “building” there shall be inserted the words “or part of a building”.
- (3) In section 1(13) of the 2008 Measure, at the beginning there shall be inserted the words “Without prejudice to subsection (3) above,”.
- (4) After section 1(13) of the 2008 Measure there shall be inserted the following subsection—  
“(13A) Without prejudice to subsection (3) or (13) above, where a person has had a qualifying connection with a parish (“parish A”) and a church which was a parish church of that parish at the time when that person had the qualifying connection has since become and continues to be a parish church of another parish (“parish B”) that person shall be deemed to have a qualifying connection with parish B.”.

## 2 Form and time of publication of banns

- (1) Where banns of matrimony are not published in accordance with the form of words prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer they shall be published in the following form—  
“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 marry each other you are to declare it.”.
- (2) Section 7 of the Marriage Act 1949 shall be amended as follows—
  - (a) in subsection (1), for all the words after the words “solemnization of the marriage” there shall be inserted the words “during any service”; and
  - (b) in subsection (2), after the words “prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer” there shall be inserted the words “or set out in section 2 of the Church of England Marriage (Amendment) Measure 20.....”.

## 3 Citation, commencement and extent

- (1) This Measure may be cited as the Church of England Marriage (Amendment) Measure 20.....
- (2) Section 2 and this section shall come into force on the day on which this Measure is passed and section 1 shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be appointed for different provisions or for different purposes.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, except that—
  - (a) the provisions of the Measure may be extended to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures, and

- (b) if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, section 1 and this section shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.