

GENERAL SYNOD

LEGAL ADVISORY COMMISSION

Celebrity Marriages in Anglican Cathedrals and Churches

1. The same law applies to the weddings of celebrities in Anglican cathedrals and churches as it does to the weddings of any other persons, although there may be added complications if the couple have entered into an agreement for exclusive publicity with a magazine or other form of media. Slightly different considerations will arise if the marriage is to be celebrated in a private institution such as a peculiar or a college chapel; this is because in such circumstances there may not be a right for the public at large to enter such premises.
2. However celebrated the couple may be, the preliminary requirements before a marriage may be celebrated remain the same as for any other marriage, namely, the calling of banns, a special licence, common licence or a superintendent's registrar's certificate¹. Nonetheless those requirements (other than a special or common licence) necessitate some publicity and that in itself may cause problems that are considered below.
3. Whether or not the couple have entered into an exclusivity agreement they may not wish persons other than those they have themselves invited to attend the marriage ceremony itself. Nonetheless, a marriage is a public ceremony which at the least all parishioners² (including those whose names are on the electoral roll) are entitled to attend; it is also possible that those who are not parishioners are similarly entitled whether at common law (see *Cole v Police Constable 443A* [1937] 1 KB 316 *per* Goddard, J; *Cripps on Church and Clergy* (Sweet & Maxwell Ltd, 8th ed., 1937) at page 121) or by reason of the fact that anyone is entitled to raise genuine impediments to the formalisation of the marriage (see *Williamson v Dow* (unreported, 16th April, 1994); *R v Bishop of Bristol, ex parte Williamson*, 25th March 1994, CO/764/94; see, too, the Commission' opinion entitled **Cathedrals: disturbances during services and admission to episcopal enthronements and other services**³ at pages 302-306). Such persons are entitled to attend as long as there is available seating or standing room unless a genuine question of safety or security arises. Any person with a right to seating in a particular pew cannot be denied that right.

¹ See, too, the requirements of Canon B 30, paragraph 3.

² This is so whether or not the person is an Anglican: see *In re Perry Almshouses* [1898] 1 Ch 391 at pages 399-400 *per* Stirling, J; *In re Avenon's Charity, Attorney-General v Pelly* [1913] 2 Ch 261 at page 278 *per* Warrington, J). In the case of cathedrals it is arguable that all residents of the diocese are entitled to attend: see *Re St Colomb, Londonderry* (1863) 8 LT 861.

³ *Legal Opinions concerning the Church of England* (Church House Publishing, 8th ed., 2007).

4. It is unclear whether any service for divine worship may be ticketed⁴ as the question was left open in *R v Bishop of Bristol, ex parte Williamson*. Even if it may, it is likely that there must be sufficient publicity to permit those otherwise entitled to attend to apply for a ticket (*ibid*; Hill *Ecclesiastical Law* (OUP, 3rd ed., 2007) at page 88, note 222).
5. As with any other weddings the final decisions in relation to music, furnishings and flowers rests with the minister of the parish: Canon B 35, paragraph 5; Canon B 20, paragraph 3.
6. The use of the organ is also subject to the approval of the minister of the parish, the parochial church council and (in some cases) the resident organist: *Legal Opinions* at page 108. The use of the bells and choir, too, are subject to the approval of the minister: see *Harrison v Forbes and Sisson* (1860) 6 Jur NS 1353; *Redland v Wait* (1862) 31 JP Jo 742); Canon B 20, paragraph 1. The minister must, however, be careful to respect any contract that may exist with the resident organist or choir.
7. No videos should be made without the agreement of the minister taking the service but, in addition, no video may be made while the organ is being played without the consent of the organist⁵. The organist may make his or her consent contingent upon the payment of remuneration or fees although in practice the organist often agrees in his or her written agreement specifically to include the payment of such monies either within his or her ordinary remuneration or within the calculation of the PCC's fees for such occasions. However, an exclusivity agreement is likely to require that all photographs and videos of the ceremony are the exclusive right of the magazine or media involved. However, the agreement is only binding upon the parties to that agreement and can in no way bind non-parties, such as the minister and organist.
8. It is always the right of the minister of the parish to decide what photographs or videos (if any) are permitted during any service or within the church precincts; this is so whether or not the photograph or video is intended for private consumption only. Any such decision should be communicated both to the couple themselves (especially as it may impinge on their own contractual agreement) and to any persons attending the wedding.
9. There is a common law right for anyone to remove a person who is causing a disturbance during divine service: *Glever v Hynde* (1673) 1 Mod Rep 168; *Burton v Henson* (1842) 10 M & W 105 at page 108 *per* Alderson, B). This apart, whether or not there are ushers and/or security personnel the enforcement of good order and

⁴ A wedding invitation is not the same as a ticket to a service and cannot *per se* entitle a person to entrance to the church.

⁵ The taking of any video without such consent would be an infringement of the Copyright, Designs and Patents Act 1988, s 182(1).

decency in the church and churchyard lies in the hands of the churchwardens; they may be assisted by properly appointed sidesmen or women⁶: Canon E 1, paragraph 4; Canon E 2, paragraph 3; see, too, Bursell *Liturgy, Order and the Law* (Clarendon Press, 1996) at pages 257-260.

⁶ They are the churchwardens' assistants referred to in Canon F 15, paragraphs 2 & 3.