

## LEGAL CHANGES TO THE PROCEDURE FOR PUBLISHING BANNS OF MARRIAGE

The Church of England Marriage (Amendment) Measure is due to receive the Royal Assent on 19<sup>th</sup> December 2012. Section 2 of the Measure, which comes into force immediately when Royal Assent is given, makes some **important changes to the statutory procedure for publishing banns of marriage**. The clergy and others responsible for publishing banns need to be aware of these changes given the importance of banns being properly published.

The two changes that will take effect on 19<sup>th</sup> December are–

- **there will be statutory authority for the use of the form of words for the publication of banns contained in *Common Worship: Pastoral Services* (as an optional alternative to the form of words contained in the Book of Common Prayer)**
- **banns must be published on three Sundays at the ‘principal service’ (rather than as at present at ‘morning service’) and, as an option, they may additionally be published at any other service on those three Sundays.**

### Alternative form of words for banns

- From 19<sup>th</sup> December **there will be statutory authority for the alternative form of words for the publication of banns of marriage contained in Common Worship**.
  - The clergy and others responsible for publishing banns may then use either the form of words set out in the rubric at the beginning of the Form of the Solemnization of Matrimony contained in the Book of Common Prayer or they may use the form of words set out at paragraph 2 in “Notes to the Marriage Service” in *Common Worship: Pastoral Services*.
  - In some places the alternative form, as set out in *Common Worship*, has been in use for some time. There is no legal difficulty with marriages that have been solemnized following the publication of the banns in that form as the legal substance of the words is the same as the form contained in the Book of Common Prayer. However there will now be a statutory basis of the use of the alternative form.

### Services at which banns are to be published

**From Sunday 23<sup>rd</sup> December 2012** (the first Sunday after the legislation comes into force)–

- banns must be published on three Sundays preceding the solemnization of the marriage **during either (i) the principal service, or (ii) both the principal service and another service**.
  - The “**principal service**” is the service which, in the opinion of the member of the clergy (or other person responsible for publishing the banns), is likely to be attended by the greatest number of people who habitually attend public worship.

Most parishes have a service on Sundays which will clearly be the ‘principal service’. In many parishes this will be the morning service, or one of the morning services. But in some parishes it may be an evening service. If there is more than one service

on a Sunday it is for the person responsible for publishing the banns – usually a member of the clergy – to form a view as to which is likely to be attended by the greatest number of habitual worshippers. The banns must then be published at that service. (It does not matter, for the purposes of the legal requirement, that in the event a greater number of people unexpectedly attend a different service on the Sunday in question.)

- Provided that the banns are published at the “principal service”, they may (as an option) **additionally be published at another service** on the same Sunday.

So, for example, if the “principal service” is at 10.30 on Sunday morning the banns must be published at that service; but the couple might only attend an evening service, in which case the banns could additionally be published at the evening service.

If banns are published at both the “principal service” and at another service on the same Sunday, both of those publications are the same “time of asking”. So, for example, if, on the Sunday when the banns are first published, they are published at two different services, the person publishing the banns must say at both of those services, “this is the first time of asking”.

As in the past, banns must always be published on three Sundays prior to the solemnization of the marriage.