

Draft Church of England Marriage Measure 200..

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A DRAFT OF A MEASURE

To enable persons to be married in a place of worship with which they have a qualifying connection.

1 Marriages solemnized in churches, etc. with which a party has a qualifying connection

- (1) A person intending to be married shall have the like, but no greater, right to have the marriage solemnized in a parish church of a parish with which he or she has a connection specified in subsection (3) below (in this Measure referred to as a “qualifying connection”) as that person has to have the marriage solemnized in the parish church of the parish in which he or she resides or which is his or her usual place of worship.
- (2) Where a church or other building licensed for public worship has been designated, under section 29(2) of the Pastoral Measure 1983 (1983 No. 1), as a parish centre of worship, this section shall apply to such centre of worship, while the designation is in force, as it applies to a parish church. 5
- (3) For the purposes of this section a person has a qualifying connection with a parish in which the marriage is to be solemnized if—
 - (a) that person, although not currently enrolled on the church electoral roll of the parish in which the church is situated, has at any time been so enrolled; 10
 - (b) that person was baptised or confirmed in that parish;
 - (c) that person has at any time been resident in that parish;
 - (d) that person habitually attends, or has at any time habitually attended, public worship in that parish; 15
 - (e) that person has at any time attended a school in that parish; or
 - (f) a relative of that person is, or at any time has been, resident in that parish, enrolled on the church electoral roll of the parish in which the church is situated or been married in that parish. 20
- (4) For the purposes of subsection (3)(f) above “relative” means a parent (including an adoptive parent), grandparent, step-parent, guardian, foster-parent or other person who has undertaken the care and upbringing of that person, or a godparent. 25

- (5) A person who has the right to have a marriage solemnised in accordance with subsection (1) above shall have the like right to have the banns of that marriage published in the parish church where the marriage is to be solemnised.
- (6) The right to have banns published conferred by subsection (5) above is additional to and not in substitution for the requirements of section 6 of the 1949 Act for banns to be published in the parish church of the parish where the parties to the marriage reside or of each parish in which one of them resides 5
- (7) A person who wishes to have his or her marriage solemnized in accordance with subsection (1) above shall provide such information, written or otherwise, as the minister of the parish in which the marriage is to be solemnized may require in order to satisfy himself or herself that that person has a qualifying connection and section 8 of the 1949 Act shall apply as if the reference in that section to a clergyman were a reference to the minister. 10
- (8) Where a public chapel is licensed by a bishop for the publication of banns and the solemnisation of marriages under section 20 of the 1949 Act, this section shall apply as if that chapel were a parish church of the parish or of any parish the whole or part of which is within the district specified in the licence 15
- (9) In this section “church” does not include a cathedral.
- (10) In this section – 20
- (a) “Minister” means –
- (i) the incumbent of the benefice in the area of which the church where the marriage is to be solemnized is situated, or
- (ii) where there is no incumbent, the priest-in-charge of that benefice, or
- (iii) if there is no incumbent or priest-in-charge of the benefice and a team ministry has been established for that benefice, any vicar in the team ministry to whom a special cure of souls has been assigned for the area of which that church forms part, or 25
- (iv) if none of the preceding sub-paragraphs is applicable, the rural dean of the deanery in which that church is situated;
- (b) “parish” includes a conventional district; and 30
- (c) any reference to baptism, confirmation, marriage or public worship shall be construed as a reference to baptism, confirmation, marriage or public worship, as the case may be, according to the rites of the Church of England.

2 Marriage by common licence 35

Notwithstanding section 15 of the 1949 Act a common licence may be granted to a person for the solemnization of a marriage in any church or chapel in which that person may be married under section 1 above and section 16(1)(b) of that Act shall, where a common licence may be granted by virtue of this section, have effect as if it required a person who has a qualifying connection with a parish within the meaning of section 1(3) above to swear that he or she has such a connection and section 1(7) above shall apply as if the reference therein to the minister of the parish were a reference to the authority having power to grant the licence. 40

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3 Interpretation

In this Measure “the 1949 Act” means the Marriage Act 1949 (12, 13 & 14 Geo 6 c 76) and, unless the context otherwise requires, expressions used in this Measure have the same meaning as in the 1949 Act.

4 Citation, commencement and extent

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(1) This Measure may be cited as the Church of England Marriage Measure 200...

(2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint.

(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 the provisions thereof may be extended to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure 1931 and 1937 or either of them, in accordance with those Measures, and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, 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.

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