

DRAFT CHURCH OF ENGLAND MARRIAGE MEASURE

SUMMARY OF MAIN CHANGES MADE AT THE FURTHER REVISION COMMITTEE STAGE

The Revision Committee has made a number of amendments to simplify the Measure and, in particular, to make the list of “qualifying connections” in clause 1 less complex and more coherent. As a result, **the “qualifying connections” are now as follows:**

- (1) The person who is seeking to marry in the parish under the Measure:
 - was baptised in the parish;
 - has his or her confirmation recorded in a register belonging to the parish (*i.e. in effect, he or she was prepared for confirmation in the parish*);
 - has at any time had his or her usual place of residence in the parish for at least 6 months; or
 - has at any time habitually attended public worship in the parish for at least 6 months.

- (2) That person’s parent has at any time during the person’s lifetime:
 - had his or her usual place of residence in the parish for at least 6 months;
 - habitually attended public worship in the parish for at least 6 months;

- (3) That person’s parent or grandparent was married in the parish.

“parent” in (2) and (3) includes an adoptive parent or a person who has undertaken the care and upbringing of the person concerned, and “grandparent” in (3) has a corresponding meaning.

“married” in (3) refers to marriage according to the rites of the Church of England.

The **provisions on the church electoral roll**, including the amendments to the Church Representation Rules to require parishes to keep details of past electoral rolls, which appeared in the previous draft of the Measure, **have been deleted.**

The Revision Committee has also added a provision under which, if the minister thinks that necessary, he or she may require a person seeking to marry in the parish under the Measure to make a **statutory declaration** as regards any of the information to support that person’s case. Knowingly and wilfully making a false statutory declaration is a criminal offence under the Perjury Act 1911.

GENERAL SYNOD

DRAFT CHURCH OF ENGLAND MARRIAGE MEASURE

FURTHER REVISION COMMITTEE REPORT

Chair:	Mr Geoffrey Tattersall QC (Manchester)
Ex officio members: (Steering Committee)	The Very Reverend George Nairn-Briggs (Dean of Wakefield) (Northern Deans) (Chair) The Reverend Gillian Calver (Canterbury) The Right Worshipful Dr Sheila Cameron QC (Dean of the Arches and Auditor) (Ex-officio) The Right Reverend Nigel Stock (Bishop of Stockport) (Northern Suffragans) Canon Stella Vernon (York)
Appointed members:	The Reverend Canon David Bailey (York) The Reverend John Cook (London) Ms Jacqueline Humphreys (Bristol) Mr Rupert Shelley (Winchester) The Reverend Canon Glyn Webster (York)
Consultants:	
Diocesan Secretaries:	Mrs Louise Gilbert (Rochester)
Diocesan Registrars (Ecclesiastical Law Association):	Mr David Cheetham (St Albans)
Mission and Public Affairs Division:	Mrs Sue Burrige (Marriage and Family Policy)

INTRODUCTION

1. The draft Church of England Marriage Measure (“the Measure”) received First Consideration from the General Synod (“the Synod”) at the July 2006 Group of Sessions. The Revision Committee (“the Committee”) reported to the Synod in February 2007, and after taking note of its report (GS 1616Y) the Synod proceeded to take the Revision Stage in full Synod. At the end of that Stage the Synod resolved to commit the Measure for further Revision in Committee under SO 58. The period for submission of proposals for amendment under SO 53(a) for the Further Revision Committee Stage expired on 2nd April 2007.
2. In addition to proposals made at the meeting of the Committee by Committee members (in particular proposals from the Steering Committee), proposals for amendment submitted in accordance with Standing Order 53(a), and other submissions made within the period specified in that Standing Order, were received from the members of Synod listed in Part I of Appendix I. Submissions were received

from those non-Synod members listed in Part II of Appendix I, which also lists the submissions received from Synod members after the period under the Standing Orders had expired. The Committee agreed to consider these, and also to take account of the letters and article relating to the Measure which were published in the editions of the *Church Times* for 9th and 16th March 2007.

3. The Committee held one meeting to deal with the work for the Further Revision Committee Stage. The decisions made by the Committee were agreed *nem con* except where indicated otherwise in this report. The Committee was assisted in its work by five Synod members who attended to speak to their proposals under SO 53(b); two of them were also authorised to speak on behalf of other Synod members who had submitted proposals. All those who attended and addressed the Committee or who were represented by other Synod members are indicated in Appendix I.
4. The amendments agreed by the Committee to give effect to the proposals that it accepted are shown in the version of the Measure (GS 1616B) now before the Synod. (This version of the Measure also incorporates the amendments made at the Revision Stage in full Synod in February 2007.) As required by SO 54(b), Appendix II contains a summary of the proposals received under SO 53(a) which raise points of substance and the Committee's consideration of them. Appendix III contains a destination table relating (1) the provisions of the draft Measure at First Consideration (GS 1616) and (2) the provisions of the Measure as amended at the original Revision Committee Stage (GS 1616A, which was before the Synod in February 2007) to (3) the provisions of the Measure as now returned to the Synod. Where a provision in GS1616A has been renumbered, this is indicated in references to it in the text of the report.

The object of the Measure

5. The Committee reminded itself that the object of the Measure, summarised in the Long Title, was to make it possible for couples to marry according to the rites of the Church of England, without the need for an Archbishop's Special Licence, in certain parishes where they are not able to do so under the existing law, if one or both of them can show that they have a "qualifying connection" of one of the types specified in the Measure.

Previous debates in Synod

6. The Committee began by recalling the Synod's response to the Measure at the First Consideration Stage in July 2006. In general the speakers had welcomed the legislation and saw it as providing an opportunity to further the mission of the Church. However, some concern was expressed that the qualifying connections specified in the Measure were so widely drawn that they could cover cases where there was no genuine connection with the parish. While some speakers saw the Measure as simplifying the clergy's task, there were also concerns about the importance of consistency between parishes in deciding what was needed to demonstrate a qualifying connection, and the implications of conferring the **new rights** on those wishing to marry, in particular the pressure it could place on parishes and their clergy where the parish Church was an attractive one or near to an attractive venue for wedding receptions.

7. At the Further Revision Committee Stage, the Committee also had before it a transcript of the debates in February 2007. Some of those who spoke in the debates had been content with the Revision Committee's work at the original Revision Committee Stage, and only two of the amendments which were moved in full Synod in February 2007 were passed; indeed, most of them failed to attract the support of 40 members for a continued debate. However, a number of speakers expressed concern at what they saw as the over-complexity of the Measure as it had come back to the full Synod, and the fact that the Revision Committee had narrowed the qualifying connections further than was desirable and made them too restrictive. Some Synod members also raised the question of how some of the qualifying connections were to be proved. Looking at the legislation as a whole, some speakers indicated that they would have wished to allow couples much greater freedom in the place where they could marry, in order to encourage marriage in church and to take advantage of the mission opportunities which it offered. Some also made it clear that they would prefer any liberalisation of that kind to be on a discretionary basis, rather than giving couples further rights to be married in the parish of their choice; on the other hand, stress was also laid on the need to preserve consistency throughout the Church. The same issues were raised in the submissions to the Committee, and the Committee kept them very much in mind as it carried out its work.

SO 58

8. Further Revision Committee Stages for Measures are governed by SO 58. After dealing with the motion for committal for further revision in committee, that Standing Order provides that:

“if this motion is carried the provisions of SOs 52 to 54 shall then apply *mutatis mutandis* save that

(b) no proposal for amendment shall be in the same form as one decided by the Revision Committee or the Synod in relation to that Measure, except where the Business Committee so permits and reports in writing to the Synod setting out a summary of the case for reconsideration and the reasons for giving such permission.”

9. In the light of the views expressed in the debates on the Measure at the February 2007 Group of Sessions, and the concerns which were expressed about some of the amendments the Committee made at the original Revision Committee Stage, the Business Committee concluded that the Synod would wish the Committee to have the maximum flexibility in addressing issues of the kind referred in paragraph 7 above, without its hands being tied by its previous decisions. The Business Committee therefore believed the Synod would wish the Committee to have the maximum freedom when considering amendments to the Measure, including the freedom to look afresh at those which it had already considered in the course of the original Revision Committee Stage. The Business Committee accordingly gave permission under SO 58(b) for the Committee to consider the amendments put to it at the Further Revision Committee Stage irrespective of whether they are in the same form as ones already decided by the Committee or the Synod. The Committee understands that the Business Committee will be reporting on this in its Report on the Agenda for the July 2007 Group of Sessions.

10. The Committee welcomed the Business Committee's permission, and where it has been called upon to do so by the submissions it has looked afresh at proposals or issues which it examined at the original Revision Committee stage. However, it recognised at the outset that this would not preclude it from coming to the same decision as previously if it was satisfied after full consideration that this was the proper conclusion. Inevitably, some of the same arguments as had been put forward for and against the proposals at the original Revision Committee Stage were raised again at the Further Revision Committee Stage. The Committee gave them the same careful consideration as on the previous occasion, but rather than set out those arguments again in full, the present report merely summarises them and refers to the relevant paragraphs of the original Revision Committee report (GS 1616Y) for further details. The Committee also accepted that it should give proper weight to the decisions by the Synod in February 2007 in accepting or not accepting particular amendments, and any implications of those decision for wider issues arising under the Measure.

Consultation with staff of the Ministry of Justice

11. Marriage law is part of the law of the land and much of it derives from Act of Parliament. Before the Measure was introduced into the Synod for First Consideration in 2006, it was important, therefore, to establish that, from the perspective of marriage law more generally, the Government would not raise objections if such legislation were to be passed and submitted to Parliament for approval. It is the normal practice, in cases where issues of Government policy might arise, for Church representatives to have discussions with the relevant Government department at an early stage.
12. Officials at the Department for Constitutional Affairs did not raise any objections to the draft Measure's proposals for extending the right to marry in specified circumstances by introducing the concept of a "qualifying connection".
13. It was clear, however, that further consultation would be necessary with Government were the draft Measure to change substantially during its passage through Synod. In particular, the Government has for some time been concerned about what it sees as the abuse of marriage for immigration purposes and legislated in section 19 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 to put in place additional processes before persons subject to immigration control could marry in this country. These new processes do not apply to marriage according to the rites of the Church of England after ecclesiastical preliminaries. As a result the Government is likely to scrutinise particularly carefully any proposals which might make it significantly easier for persons who are subject to immigration control to marry in church in circumstances that might enable them to circumvent the controls under section 19.
14. Following the February 2007 Group of Sessions, it became clear that a number of the proposals which were submitted to the Revision Committee wished to see the draft Measure amended so as to grant a **right** to marry in **any** parish of the couple's choice, or so as to allow for marriage in the parish of the couple's choice subject to a **discretion** on the part of the minister or the parish. Either approach would clearly involve a major change in the provisions of the draft Measure and a substantial

departure from the present law. It was therefore decided to undertake further consultation with the Government about them. The relevant section of the Department for Constitutional Affairs had been transferred to the recently formed Ministry of Justice, and an informal discussion took place with two of staff from the Family Justice Division there a few days before the Revision Committee meeting.

15. The staff concerned were not able to express a definite view before consulting colleagues and Ministers, not least because of ongoing litigation in relation to the relevant provisions of the 2004 legislation. However, their clear, preliminary response was that there was likely to be concern in Government about conferring a right to marry in any parish of the couple's choice or about conferring a discretion on the minister or the parish to allow this. The anxiety would be that people subject to immigration control would seek to marry in church in a place with which they had no real connection, thereby making it easier to circumvent to objectives of section 19. If the Church were to bring forward either proposal to Parliament, Ministers from the Ministry of Justice and the Home Office would have to consider very carefully what their view would be, in the light of the implications for immigration control. It could not be taken for granted that they would be content for such a radical change to pass into law.
16. If the principle of qualifying connection was maintained, the Ministry of Justice staff also saw a potential difficulty if the Church wanted to remove any minimum period in relation to a qualifying connection based on residence. Such a move would allow for a very short period of residence which might be in temporary accommodation and whose nature as the person's usual place of residence or otherwise could be difficult to determine in practice. There would, therefore, be the potential for abuse by those minded to contract marriages purely for immigration purposes.
17. Against this background, the Committee noted that section 19 of the 2004 Act was the subject of continuing litigation. However, whatever the eventual outcome of that litigation, the Government was likely to continue to be concerned about the abuse of marriage for immigration purposes. There was therefore a significant uncertainty over whether the Government would be content to see the introduction onto the statute book of Church legislation which gave people a right to marry in any parish church of their choice, or gave the minister or the parish a discretion to allow anyone to marry in the parish, or which introduced the concept of qualifying connection in such terms as might leave open a significant potential for abuse.

CONSIDERATION OF THE MEASURE CLAUSE BY CLAUSE

PRELIMINARY DISCUSSION OF PROPOSALS BY STEERING COMMITTEE

18. Before the Committee met, the Steering Committee had met separately to consider the debates in February 2007 and the submissions to the Committee, and had agreed to propose a group of amendments to the Committee which were intended to simplify the Measure and in particular to make the provisions on qualifying connections more straightforward and coherent. As these amendments had to be viewed as a whole, the Committee agreed that, in order to inform its consideration of the Measure clause-by-

clause under SO 53(e), the Steering Committee should be invited to introduce them at the outset and explain their general effect.

19. The substantive changes which the Steering Committee proposed were as follows:
- (a) clause 1(3)(a), which provided for a qualifying connection based on the past entry on the church electoral roll of the person seeking to rely on the Measure (“the applicant”), would be deleted;
 - (b) in clause 1(3)(c), which made the fact that the applicant had at any time had his or her usual place of residence in the parish a qualifying connection, the 12 months’ minimum period would be reduced to 6 months;
 - (c) a 6 months’ minimum period would be inserted in clause 1(3)(d), which provided for the fact that the applicant now habitually attended or had in the past habitually attended public worship in the parish to be a qualifying connection;
 - (d) in clause 1(3)(e), relating to parents, the provision relating to entry on the church electoral roll would again be deleted, and the qualifying connections would be amended to comprise cases where a parent, at any time during the lifetime of the applicant, either had his or her usual place of residence in the parish, or habitually attended public worship there, in either case for not less than 6 months; and
 - (e) the amendments to the Church Representation Rules in the Schedule, providing for the retention of details of previous electoral roll entries, would be deleted.

The revised list of qualifying connections, amended as proposed by the Steering Committee and with a further amendment agreed by the Committee for other reasons (see paragraph 43 below), is set out on the front page of this report.

20. The Steering Committee then went on to explain the thinking behind these provisions. One of the problems identified at the original Revision Committee Stage was that at present there was no legal requirement for the parish to retain information about past entries on the church electoral roll. It had therefore been necessary to create such a requirement in order to support the qualifying connection based on past entry on the roll, and even then the new requirement, and the qualifying connection which was based on it, could only apply to entries after the Measure came into force. However, the Steering Committee had now come to the conclusion that it was not necessary to retain a qualifying connection based on the applicant’s or a parent’s entry on the roll. The reason was that entry on the roll was on the basis of either residence in the parish or having habitually attended public worship there. Thus those who would have come within the provisions in clause 1(3) regarding entry on the roll would in any case be covered by the provisions based on residence or habitual attendance at public worship. Deleting the qualifying connections based on entry on the roll would also make it possible to remove the complex amendments to the Church Representation Rules. A further simplification was that the 6 months’ minimum period which already applied under the Church Representation Rules for entry on the roll on the

basis of habitual attendance at public worship would apply under the Measure to both the residence qualification and the qualification based on habitual attendance, both for the applicant and for a parent.

21. The Committee recognised that in some respects this would slightly widen the qualifying connections. The only types of case which would have fallen within clause 1(3) as it stood but not within clause 1(3) as amended in the way the Steering Committee proposed would be those where the applicant, or the applicant's parent, had a usual place of residence in the parish for less than 6 months and was entered on the church electoral roll for a time by virtue of that brief period of residence. Even there, clause 1(3)(a) as it stood would only cover cases where the entry on the roll existed after the Measure came into force and not those where it pre-dated the Measure. The Committee considered that while these were theoretical possibilities they were not significant in practice and need not stand in the way of accepting the Steering Committee's proposals.
22. The Committee took the view, in general terms, that the Steering Committee's substantive amendments were a sensible and helpful set of improvements to the Measure, and agreed to approach them on that basis if the Committee agreed that the Measure should continue to be based on the concept of qualifying connections. However, members recognised that it would be necessary to return to the question of how an applicant was to establish a qualifying connection based on residence or habitual attendance at worship. The main issues here included:
 - how to ensure consistency in the way that clergy in different parishes dealt with these cases;
 - whether the Measure should require evidence to be supplied on oath or in some comparable way, rather than clergy simply taking it "on trust";
 - what approach clergy should take to cases where no written evidence was available, or where an applicant could obtain it only by going to a clearly disproportionate amount of trouble and/or expense; and
 - how to avoid the evidence requirement becoming an "obstacle course" for couples, which could counteract the Church's efforts to make them feel welcome and could set up a barrier between the priest and the couple.

CLAUSE 1 – GENERAL ISSUES

23. Before considering the proposals for amendments to clause 1, the Committee noted a number of general underlying issues and factors raised by the submissions to it:
 - (a) The Reverend Mark Bennet, who was not a member of the Synod, referred to the Church's understanding of marriage as part of God's creation ordinance for all people and not merely for Christians;
 - (b) The Reverend Tim Stratford drew attention to the issues of "localness" and the need to avoid dislocating the marriage from the couple's family and friendship networks, and also the importance, particularly to a couple who wish to make their vows "in the eyes of God", of doing so in a beautiful and inspiring place that helped to mediate God's presence;

- (c) Professor John Craven referred to the possibility of a right subject to conditions, and to the legal issues regarding discrimination. He also pointed out that people were now increasingly mobile, both personally and spiritually, and that it was important to allow for those who had no “home” parish in the sense specified by the Measure. The Committee accepted the importance of taking these trends and the growth of a less rooted society into account. However, it saw the Measure as in part an attempt to meet this need, and also observed that, subject to limited exceptions, a person resident in any parish in England, even if not on a permanent basis, would in any event have the right to be married there without having to rely on the Measure; and
- (d) The Committee noted a submission by the Archdeacon of Tonbridge, the Venerable Clive Mansell, drawing attention to the fact that a couple who had a particular connection with a given parish but who did not satisfy the requirements of the Measure could nevertheless apply for a Special Licence. He therefore suggested that further discussions with the Faculty Office would be a helpful way forward.

CLAUSE 1 – PROPOSAL TO SUBSTITUTE A RIGHT TO MARRY IN ANY PARISH OF THE COUPLE’S CHOICE

- 24. Ms Sallie Bassham, Canon Dr David Blackmore, Mr Joseph Brookfield, Dr Graham Campbell, the Reverend Dr John Hartley and the Reverend Mary-Lou Toop proposed amendments to remove the concept of qualifying connections and to substitute a right to be married in any parish of the couple’s choice, or asked for the Synod to have the option of voting in favour of a change along those lines. Dr Hartley spoke to his proposal and explained that he personally did not support such a right, as he considered it would dilute marriage preparation and pastoral support and introduce consumer assumptions on the part of couples, but in his view there were other Synod members who would wish to vote for it, as preferable to the present complex provisions.
- 25. The Committee had considered these possible amendments at the original Revision Committee Stage (see GS 1616Y paragraphs 18-19). It had rejected them on the grounds that they would make marriage preparation and meaningful pastoral contact with the couple more difficult, and also that they failed to take account of the implications of giving a couple a **legal right** to be married in any church they wished. These included the risk of an undesirable concentration of marriages in attractive churches or those close to popular reception venues, which could place a considerable burden on the clergy and others in those parishes, and the fact that some clergy would not welcome being required to marry couples who were not committed Christians and who had no connection at all with the parish. However, the Committee reconsidered the issues, and also noted the submissions from Canon Dr David Blackmore and Mr Brookfield that if the amendments were adopted there would be a need for further guidance or a Code of Practice on their operation. Nevertheless, the Committee remained of the same view as at the original Revision Committee Stage, namely that it would not be desirable to grant a right to be married in a parish of one’s choice, and for the same reasons, and also found that this view was strengthened by the matters referred to in paragraphs 13-17 above.

26. The Committee went on to consider a related proposal from Mr Clive Scowen. In his view the existing law, which included the possibility of entry on the church electoral roll after 6 months' habitual worship in the parish, was preferable to anything more than a very modest extension of the rights which couples at present enjoyed, as it maximised the mission opportunities for the Church. However, if anything wider than the Measure as it stood was thought desirable, Mr Scowen proposed a right to be married in any church or public chapel of the couple's choice if, but only if, the relevant minister was satisfied that the couple had together undertaken appropriate preparation for Christian marriage and, in particular, had been sufficiently instructed in the nature, meaning and practice of Christian marriage. He also proposed that the guidance under clause 3 should set out the criteria as to the minimum content of the marriage preparation. The Committee recognised that this was not a proposal to grant an unqualified right to be married in a parish of one's choice, but after discussion it concluded that a number of the same objections applied. (The Committee later gave further consideration to Mr Scowen's proposals as regards marriage preparation and instruction - see paragraphs 73-75 below)
27. For those reasons, the Committee rejected the proposals referred to in paragraphs 24-26 above.
28. The Committee also gave separate consideration to a proposal from Mr Stephen Barney that the Church of England should make church marriage available unconditionally to "everyone who can call themselves Christian". In addition to the objections set out above to granting a general right to be married in the parish of one's choice, the Committee recognized that this proposal gave rise to issues of how "Christian" was to be defined. The Committee therefore rejected the proposal.

CLAUSE 1 – PROPOSALS TO SUBSTITUTE A DISCRETION TO ALLOW MARRIAGE IN ANY PARISH (OR A WIDER RANGE OF PARISHES THAN AT PRESENT), OR TO SUBSTITUTE A RIGHT FOR A PARISH TO PERMIT SUCH MARRIAGES ON THE BASIS OF AN AGREED POLICY

29. In considering this group of proposals, the Committee took into account the oral submissions made to it by the Venerable Alan Hawker and the Reverend Mark Ireland. Some of their main points in support of a case for making it possible for parishes to be generous in allowing marriages of non-parishioners were:
- that marriage was a not a Gospel sacrament but a creation ordinance, for all men and women;
 - the importance of taking advantage of the mission opportunities which marriage offered;
 - the need to encourage and support marriage; and
 - the need to make couples seeking marriage feel welcome and to avoid putting unnecessary obstacles in their way.
30. Canon Chris Lilley saw the Measure as it stood as acceptable so far as rights to marry were concerned, but thought there might be a case for more generous provision by agreement between the church/clergy and the couple, which he thought could be achieved by the use of the licence system. On that basis, the Committee agreed that this proposal was not relevant to clause 1, or to the common licence procedure, which

did not require the consent of the minister. However, the Committee recognised that the possibility of applying for an Archbishop of Canterbury's Special Licence, which was always discretionary, would continue to be available.

31. The Reverend Colin Randall was against creating any new rights; he thought there might be a case for widening the discretion of the incumbent, but thought that the model of "demonstrable connection" would be the right way of doing this. The Reverend Mark Ireland's proposal was to allow a couple to marry in any church of their choice, with the permission of the incumbent, and provided they were willing to attend suitable marriage preparation at that church. Mr Adrian Greenwood's proposal was that the couple should be able to marry in the church of their choice, subject to the right for the PCC/incumbent to refuse on specified grounds, which would need to be based on objective criteria laid down by the House of Bishops or the Archbishops' Council. The Venerable Alan Hawker's original proposal was for a parish to have a right, as a matter of discretion, to accept wedding requests from those without existing rights; he suggested that possibly the exercise of that discretion might be assisted by a Code of Practice, that the parish might have a right to put a "cap" on the maximum number of weddings of non-parishioners which it could handle in a year, and that marriage preparation could be required as a condition of exercising the discretion. He compared this to the existing legal provisions under which a parish could permit the burial of non-parishioners in the churchyard.
32. The Committee noted that previous discussion of this issue had focussed on two separate reasons against allowing marriages of non-parishioners on a discretionary basis. One was that, because the right to marry and found a family was a right protected by Article 12 of the European Convention in Human Rights ("the ECHR"), this would leave the clergy open to challenge under Article 14 of the ECHR (which deals with discrimination) and hence under the Human Rights Act 1998 ("the HRA"). It was pointed out that the same considerations did not apply to burial, which was not a "Convention right". The other, which the Archbishop of York had emphasised in his speech at the Revision Stage in February 2007, was the importance of preserving consistency between parishes.
33. The Venerable Alan Hawker developed his suggested amendments in discussion with the Committee, and put to the Committee the proposal that, instead of the provisions regarding qualifying connections in clause 1, the PCC should be able to decide that marriages of non-parishioners could be solemnised in the parish in accordance with a clear policy formulated by the PCC using acceptable criteria (whether as to maximum numbers, agreeing to undergo marriage preparation or otherwise). The parish priest would not be able to refuse marriage in the parish to couples who fulfilled the requirements of that policy; so far as it specified a maximum number of marriages, couples would have to be accepted on a "first come, first served" basis. He explained that this would mean there was no risk of a couple being refused marriage in a parish on personal or subjective grounds. (It was therefore suggested that the true effect of such a proposal would be to give a limited entitlement to marry.)
34. Standing Counsel advised that the proposal nevertheless involved a real risk of unlawful discrimination, because different parishes would have different policies and couples whose circumstances were identical would be treated differently in different parishes. Standing Counsel was asked how, on that basis, schools were able to

operate different admissions policies, and he explained that this was because the United Kingdom had entered a reservation in relation to the provision of the ECHR dealing with the right to education¹. The Committee also recognised that the proposal would be contrary to the principle of ensuring consistency between parishes, and was concerned that couples would find such a system confusing and fraught with difficulty.

35. For those reasons set out above, the Committee rejected the proposal set out in paragraph 33 above and the other proposals summarised in paragraphs 30-31.

CLAUSE 1 - PROPOSAL TO DELETE AS UNNECESSARY OR UNDESIRABLE

36. The Committee considered the submissions that the existing law was adequate or indeed preferable to clause 1; in doing so it took into account that removing clause 1 would in effect amount to a decision not to proceed with the Measure as a whole. The Reverend Paul Ayers, the Reverend Dr John Hartley and Mr Clive Scowen all drew attention to the existing provisions of the Marriage Act 1949 under which a person from outside the parish may obtain the right to marry there by habitually worshipping there for 6 months and having him- or herself entered on the church electoral roll. In their view this provided a very real opportunity for the clergy to engage with the couple and for the couple to become part of the church community, and they were concerned that the present Measure would diminish rather than enhance that opportunity. Ms Jacqueline Humphreys pointed out that one of the letters to the *Church Times*, which was to the same effect, was from her husband, who was a priest in Bristol. Miss Anne Ashton's submission also drew attention to the opportunities afforded by the existing law, which she considered was relatively simple to apply and much clearer to explain than the draft Measure.
37. The Steering Committee strongly resisted any suggestion that the Measure did not afford any advantages over the existing legal position, much less that it was inferior to the present law. The Measure would make it easier for couples who wished to do so to marry in a church where at least one of them already had a genuine connection of a kind specified in the Measure, without the need to apply to the Faculty Office for an Archbishop's Special Licence. This had to be viewed in the context of the Church's continuing efforts to support marriage, and it did not in any way detract from the existing provisions under which a couple who did not previously have a connection with the parish could marry there after they or one of them had worshipped there for six months and been entered on the church electoral roll. (In this connection, the Reverend Mark Ireland explained that in his experience of ministry in Telford, while some couples would not find any difficulty with the need to be entered on the church electoral roll, other couples would find it a much more daunting process.)
38. The Committee accepted those arguments and voted (by 1 vote in favour to 7 against) to reject the proposition that the law should remain as at present, rather than being extended as in clause 1.

¹ This reservation, which is reproduced in Schedule 3 to the HRA, relates to Article 2 of the First Protocol to the ECHR.

CLAUSE 1 - SPECIFIC PROPOSALS FOR AMENDMENT

Clause 1(1) and (2)

39. There were no proposals for amendments to these provisions

Clause 1(3)

40. The Committee noted that a number of those who had made submissions were broadly in favour of the subsection as it stood. Others expressed concern at what they saw as its over-complexity or inflexibility or both, or stressed the need for generous provision for couples. A further general point, raised in particular by Dr Graham Campbell, was the importance of providing qualifying connections which were capable of objective verification without placing an undue burden on the minister.
41. Mr Clive Scowen proposed that clause 1(3) should be limited to cases where one of the couple had a former home or a current parental home in the parish, which the person concerned regarded as “home” even though he or she was not resident there. This was in accordance with his general submission that if the qualifying connection principle was retained, it should be confined to connections which were real and living rather than distant and historic. In his view, if there was to be any sort of real mission opportunity, there must be a relationship between the couple and the local church or at least its minister, or the opportunity for one to develop. The Steering Committee could not accept this proposal, which it regarded as contrary to the general approach taken by the Synod in February 2007 (for example in relation to a parent’s or grandparent’s marriage in the parish) and would mean the Measure was hardly worth while. The Committee accepted those arguments and rejected the proposal by 1 vote in favour to 7 against.

Clause 1(3)(a)

42. The Committee accepted the Steering Committee’s proposed amendment to delete clause 1(3)(a) (see paragraph 19 above). The proposal by Miss Anne Ashton for a detailed amendment to the wording of clause 1(3)(a) therefore fell.

Clause 1(3)(b) (renumbered in GS 1616B as clause 1(3)(a))

43. The Reverend Paul Benfield questioned whether the provision on confirmation dealt adequately with cases where there was no incumbent or priest in charge and where candidates from the parish therefore had to be prepared for confirmation by a minister from elsewhere. In view of this and the need to ensure that the provision covered team ministries, where the cure of souls was shared by the team chapter, the Committee agreed to omit the reference to the minister who presented the applicant for confirmation, and to rely solely on whether the applicant’s confirmation was entered in a confirmation register for the parish.

Clause 1(3)(c) (renumbered in GS 1616B as clause 1(3)(b))

44. The Committee accepted the Steering Committee’s proposed amendment to clause 1(3)(c), which involved changing the 12 months’ minimum residence requirement to

6 months. This meant that Miss Anne Ashton's proposed amendment to delete clause 1(3)(c) fell. (Miss Ashton, like the Steering Committee, took the view that it was not necessary to have both clause 1(3)(a) and clause 1(3)(c)).

Clause 1(3)(d), (e) and (f) (renumbered in GS 1616B as clause 1(3)(c), (d) and (e))

45. The Committee also accepted the Steering Committee's proposed amendments to clause 1(3)(d), (e) and (f). As explained in paragraph 19 above, the substantive amendments:

- inserted a 6 months' minimum period for habitual worship in the parish in clause 1(3)(d); and
- altered the qualifying connections regarding a parent in clause 1(3)(e) so that they required a minimum period, during the lifetime of the applicant, of 6 months' usual place of residence in the parish or 6 months' habitual worship in the parish.

In addition, without making any change of substance, the amendments transferred the qualifying connection based on a parent's marriage in the parish to clause 1(3)(f), which already contained the provision regarding a grandparent's marriage in the parish.

46. As a result, Canon Tony Walker's proposed amendments to clause 1(3)(e) and (f) would apply only to clause 1(3)(f) (renumbered in GS 1616B as clause 1(3)(e)). He wished to confine the qualifying connection of marriage in the parish by a parent or grandparent to marriage in a church, so that it did not apply to a purely civil marriage. The Committee agreed that it should be confined in this way but was advised that the point was already covered by clause 1(11)(c), under which "marriage" in clause 1 meant marriage according to the rites of the Church of England. The Committee therefore decided that that no amendment was required.

Clause 1(3) – additional provisions

47. The Committee considered a proposal from Miss Anne Ashton to reinstate the provision making attendance at a school in the parish a qualifying connection. (This had appeared in the draft Measure as introduced into the Synod but had been omitted at the original Revision Committee Stage). The Committee understood the reasons for this proposal, but considered that if a person who had been a pupil at a school in the parish was to have a qualifying connection with the parish, that should be on the basis that he or she had worshipped in the parish church or a parochial place of worship in the parish, rather than simply by virtue of having attended the school. The advice the Committee had already received and accepted was that regular attendance by the school body at acts of public worship in the parish church (say, three times a year, at the Christmas and Easter seasons and Harvest) would qualify under clause 1(3)(d) (renumbered in GS 1616B as clause 1(3)(c)) provided the person concerned had in fact attended on those occasions while he or she was a pupil at the school, and on that basis clause 1(3)(d) covered most of the cases which the Committee considered ought to be covered by clause 1(3).

48. This left the cases where the worship at the parish church which the person had attended while a pupil at the school was not strictly speaking public worship. As regards these, the Committee was informed that the Steering Committee had considered possible provisions for bringing a limited number of such cases within clause 1(3). However, the Steering Committee was not recommending them to the Committee, not least because they would be extremely complex and difficult to apply. Because of that the Steering Committee considered that any cases where a person had a genuine connection with a parish by virtue of having attended a school there but which fell outside clause 1(3)(d) should be left for the Special Licence procedure. The Committee accepted that reasoning and therefore rejected Miss Ashton's proposal.

Clause 1(4)

49. The Committee accepted an amendment proposed by the Steering Committee. Clause 1(4) as it stood provided for the term "parent" in clause 1(3) to include an adoptive parent and any other person who had undertaken the care and upbringing of the person seeking to establish the qualifying connection. Part of the amendment was of a purely drafting nature. In addition, it also added a provision that the term "grandparent" was to be construed accordingly, in order to deal with the qualifying connection by virtue of a grandparent's marriage in the parish which was added at the Revision Stage in February 2007.

Clause 1(5), (6) and (7)

50. There were no proposals for amendments to these provisions.

Clause 1(8)

51. The Committee had given preliminary consideration to this provision in connection with the qualifying connections – see paragraph 22 above.
52. The Reverend Paul Benfield was concerned that clause 1(8) as drafted could lead to a lack of consistency, with different ministers requiring different evidence from couples whose circumstances were the same, either because the guidance to be issued by the House of Bishops under clause 3 did not cover the case or because clause 1(8) merely required the minister to "have regard" to the guidance, thus leaving him or her with a discretion not to do so and the freedom to disregard the guidance on pastoral grounds.
53. The Committee recognised that the only types of qualifying connection which were likely to give rise to any difficulties in this respect were those based on usual place of residence or habitual worship, as those based on baptism, confirmation or marriage could be established from the registers. The Steering Committee explained that the guidance was intended to set out the types of evidence that would be appropriate to establish a particular qualifying connection, not to lay down binding rules. In addition, Standing Counsel advised that the expression "have regard to" was a well established one, and would not leave the minister with an untrammelled discretion to accept or reject the guidance – in particular, he or she could not take irrelevant considerations into account or disregard relevant ones. Clause 3 and the provisions of clause 1(8) which related to it were intended to provide for procedural guidance for

the clergy and not to take away couples' rights, and a member of the clergy would be open to challenge if he or she acted contrary to that principle.

54. The Committee accepted that to make the guidance referred to in clause 3 binding would effectively change its character from guidance to something akin to a set of regulations, which was not the intention. (It could also give rise to questions as to the application of Standing Order 46, which deals with Measures providing for subordinate legislation.) The Committee therefore agreed to retain the existing wording in clause 1(8)(b) regarding the guidance in clause 3.
55. The Committee went on to consider Mr Benfield's proposal that the Measure should require the information in support of a qualifying connection to be provided in the form of an affidavit. This would mean that the applicant would have to swear on oath to its truth and would face criminal charges if he or she knowingly and wilfully made a false statement. Mr Benfield considered this would ensure consistency and avoid the clergy having to exercise a discretion which could be subject to challenge. Ms Jacqueline Humphreys supported the proposal, although the Committee noted that two of those who had sent in submissions, namely Dr Graham Campbell and Mr Joseph Brookfield, did not favour it.
56. The Committee recognised that a number of different issues arose in relation to this proposal. One was how far the clergy could and should be expected to take what an applicant said simply on trust; an advantage claimed for requiring an affidavit was that it would avoid the need for this. The other was that there would be cases where no supporting evidence was available for the applicant's claim or could only be obtained by such disproportionate effort and/or expense that the clergy would not feel justified in insisting on it. Requiring an affidavit could also be a solution for these cases.
57. The Committee was advised that normally a person swearing an affidavit had to do so before a Commissioner for Oaths. As the affidavit was a formal legal document, the applicant might also need expert help in drafting it. However, requiring an applicant for marriage by banns to go to a Commissioner for Oaths would add a further step – and on one view a further “obstacle” - to the process. The Marriage Act 1949 provided for the affidavit in support of an application for a common licence to be sworn before the surrogate who had authority to grant the licence, but doubts were expressed as to whether it would be desirable or workable for the Measure to provide for any minister to have affidavits sworn before him or her in connection with marriages by banns.
58. The Committee therefore explored the possibility of something that was stronger than simply taking an applicant's statement on trust but afforded a “lighter” procedure and less formal documentation than an affidavit. The Committee agreed that a statutory declaration made under the Statutory Declarations Act 1835 would meet this need, given that it did not require an oath but that knowingly and wilfully making a false declaration was a criminal offence under section 5 of the Perjury Act 1911. The declaration would need to be made before either a solicitor with a practising certificate, a Commissioner for Oaths or a Justice of the Peace, unless the Measure provided otherwise, and the Committee did not think it was desirable to include a provision allowing all ministers as defined in the Measure to fulfil that role.

59. The Committee agreed that the Measure should not require the use of a statutory declaration in all cases, or leave it to the applicant to decide whether to use a statutory declaration, but should give the minister a discretion to require one. This was on the basis that the norm would be for the applicant to provide satisfactory evidence without the need for a declaration, but that the minister should have power to require the declaration if for some good reason the applicant was not able to produce satisfactory supporting evidence or if for some other good reason the minister thought that desirable. The Committee therefore agreed to the addition of a new clause 1(9) to provide for this.

Clause 1(9) (renumbered in GS 1616B as clause 1(10))

60. There were no proposals for amendments to this provision.

Clause 1(10) (renumbered in GS 1616B as clause 1(11))

61. This subsection provides that “church” in clause 1 is not to include a cathedral. The Reverend Dr John Hartley spoke to his proposal that parish church cathedrals should be brought within the Measure. An argument put forward in favour of this was that under the clause as it stood those who have a connection with the parish of a parish church cathedral would not have the same rights as those who have a comparable connection with any other parish, and that this was unfair to them. Canon David Bailey also argued that it was not fair to treat them differently from those who had a connection with the parish of a “greater church”.
62. The Steering Committee resisted the proposal, and the Committee recalled that when this subsection was discussed during the original Revision Committee stage (see GS 1616Y paragraphs 102-114), it understood that the Association of English Cathedrals did not support a proposal to bring all parish church cathedrals within the Measure. It had also been strongly argued that all cathedrals should be treated in the same way, particularly since the Cathedrals Measure 1999 had been based on that principle, and one of the reasons accepted for excluding all cathedrals was that they had special diocesan responsibilities to fulfil, as well as undertaking a very wide range of other activities. As against this, it was pointed out that a significant number of large non-cathedral churches were also used in practice for diocesan events and services. The Committee at the original Revision Committee Stage had been asked to consider an “opt in” provision for cathedrals, but had rejected it, and an amendment to allow an “opt in” for parish church cathedrals had not found favour with the Synod at the Revision Stage.
63. The Committee recognised that the proposal now before it did not involve any kind of option, although it did involve different treatment for different categories of cathedrals. It gave the proposal fresh consideration, but in the light of the reasons indicated above it rejected the proposal by 3 votes in favour to 4 against.

Clause 1(11), (12) and (13) (renumbered in GS 1616B as clause 1(12), (13) and (14))

64. The Committee accepted proposals by the Steering Committee for drafting and consequential amendments to these subsections.

Clause 1 – additional provisions

65. The Venerable Alan Hawker proposed (as an alternative to his proposal set out at paragraph 33 above) that a power for the parish to allow additional marriages on the basis set out in that paragraph should be added to the Measure as an addition to the existing qualifying connections in clause 1(3). It would operate on the basis of a clearly formulated parish policy, and would be limited to local capacity, but subject to that it would be on a “first come, first served” basis. This would allow a limited relaxation which was not confined to a specific qualifying connection. A number of members of the Committee had a good deal of sympathy with the general concept of the proposal. However, the Committee accepted that, quite apart from other considerations, there could be difficulties in deciding how it was to operate in practice; for example, any new parish priest might wish the PCC to change its policy to accord with his or her own views. Standing Counsel also advised that there was a real risk of a challenge, in this case directed to the PCC, under the provisions on discrimination in the ECHR and the HRA, for the same reasons as explained in paragraph 34. In addition, the Committee recognised that, applying the principles referred to paragraphs 15 and 17 above, the Government might well be concerned about such a provision. For those reasons, the Committee rejected the proposal.
66. The Reverend Dr John Hartley proposed that the Measure should place an upper limit on the number of marriages to be solemnised under the Measure in a particular church in a given period, on the basis that any greater number would make it impossible to deliver a high quality service. He suggested 75 marriages a year as a possible maximum figure. The Steering Committee spoke against this, on the grounds that whatever limit was set would be too high for some churches and quite possibly too low for others, and also that the proposal was contrary to the general intention of the Measure, which was to give those with a qualifying connection the same rights as parishioners in relation to marriage in the parish. The Committee rejected the proposal for those reasons.
67. The Committee received a proposal from the Bishop of Guildford for special provision for designated marriage churches. The Committee was advised that such an amendment lay beyond the general purport of the Measure and that SO 53(e) therefore precluded the Committee from accepting it. However, the Committee agreed that it would be helpful to take a vote on the merits of the proposal, as an amendment to the present Measure, as if it had not been out of order, and on that basis it rejected the proposal as a subject for legislation in the present Measure.

CLAUSE 2

68. The Committee accepted a proposal by the Steering Committee for an amendment to clause 2 which made no changes of substance but which dealt with the application of clause 1(12) (renumbered in GS 1616B as clause 1(13)) to marriages by common licence.

CLAUSE 3

69. Apart from the issues already raised in relation to clause 1(8) (see paragraphs 51-59 above) there were no proposals for amendments to this clause. As a result of the

decisions the Committee had taken in relation to clause 1(8) a proposal by Miss Anne Ashton to delete clause 3 fell.

CLAUSE 4 AND SCHEDULE

70. The Committee accepted a proposal by the Steering Committee to omit clause 4(3) and the Schedule, which had provided for amendments to the Church Representation Rules to require parishes to retain information about past entries on church electoral rolls. These provisions were no longer needed as a result of the amendments which the Committee had already agreed to omit the provisions on entry on the church electoral roll from clause 1(3) (see paragraphs 42 and 45 above).

CLAUSE 5

71. There were no proposals for amendments to this clause.

ADDITIONAL PROVISIONS AND OTHER MATTERS

Possible further review

72. Professor John Craven was able to support a Measure with relatively minor changes in the eligibility criteria, and with the possibility of the Special Licence procedure for other appropriate cases, but said that he would be strengthened in that support if there were a commitment to a further review in the not too distant future, taking account of the factors he set out in his submission. The Committee agreed that if any Synod member wished to pursue this, the appropriate course would be to put down a Private Member's Motion.

Marriage preparation or instruction

73. The Committee noted that a large number of the submissions stressed the importance of marriage preparation. However, some also contained specific proposals for some form of mandatory or required marriage preparation or instruction. Dr Graham Campbell favoured this for all Church of England marriages if that was legally possible. Canon Chris Lilley thought the more generous provision which he suggested for the marriage of non-parishioners, by agreement between the church/clergy and the couple, and which he thought could be achieved through the use of the licence system (see paragraph 30 above), might be conditional on the couple undertaking appropriate marriage preparation. The Venerable Alan Hawker suggested acceptance of marriage preparation as one of the possible criteria in the parish policies under his proposals (see paragraphs 33 and 65 above). Mr Clive Scowen spoke to the aspects of his proposal for an additional right to be married in any church of the couple's choice (see paragraph 26 above) which would make that conditional on the minister being satisfied that the couple had together undertaken appropriate preparation for Christian marriage and, in particular, been sufficiently instructed in the nature, meaning and practice of Christian marriage. He considered that if couples wished to take advantage of this additional right, they needed to understand what was involved in Christian marriage, and that it was acceptable to impose such a requirement in cases where the couple did not have an existing legal right to marry in the parish.

74. The Steering Committee was not able to support these proposals. While it expressed very strong support for the provision of good quality marriage preparation and wished to encourage clergy and lay people to work together to offer this to all couples, it took the view that making marriage preparation obligatory could be counter-productive, and drew attention to the fact that this point had also been made in some of the submissions to the Committee. When mandatory marriage preparation was discussed at the original Revision Committee Stage, the Steering Committee had taken the view that if this was to be introduced it should apply to all couples, and should be done by a different Measure (see GS 1616Y paragraph 150). In addition, the Steering Committee now pointed out that in practice it would be very difficult to compel an unwilling couple to undertake or accept marriage preparation, and further difficulties would arise if the clergy were expected to refuse marriage to those whom they considered had not undergone adequate preparation.
75. The Committee agreed, and for those reasons it rejected the proposals.

Workload created by new provisions

76. The Committee also noted that a number of the submissions to it referred to the issue of the possible additional workload for some churches as a result of the new provisions, but that they expressed differing views on how far, if at all, it was likely to be a real problem in practice. The Committee went on to consider the proposals for provision in the Measure or in specific guidance so as to ensure that the Measure did not give rise to an unacceptable increase in the workload of the clergy in churches which were popular for marriages, and noted that some of them also referred to the workload of lay people involved in marriage, such as organists. Issues of this kind were raised, in particular, by Canon Dr David Blackmore, Mr Joseph Brookfield, Dr Graham Campbell and Mr Adrian Greenwood. However, the Committee rejected the proposals; it saw the matter as primarily one of clergy deployment and of local co-operation, and took the view that it should be left to all concerned to work together to find creative solutions for any problems which arose in individual parishes.

Finance and Fees

77. Dr Graham Campbell's submission raised the issue of additional fees for marriages under the Measure, while Mr Joseph Brookfield proposed a financial mechanism to support less attractive churches, particularly in poorer communities, which suffered a loss of fee income. However, both accepted that these were not matters for the present Measure. The Reverend Mary-Lou Toop, passing on views expressed in discussion in the Diocese of Hereford, also referred to the possibility of appropriate allocation of fees, if necessary, to provide assistance for any churches under particular pressure. Without attempting to deal with the merits of those suggestions, the Committee agreed that they were not ones which could be implemented by the present Measure.

Ecumenical issues

78. The submission from the Reverend Mark Bennet referred to a number of ecumenical issues which already arose in relation to marriages under the existing law. The Committee agreed that these were not matters for the present Measure.

Other proposals ruled out of order under SO 53(e)

79. On the advice of Standing Counsel, the Chair ruled that amendments to implement the following proposals would be out of order under SO 53(e):

- (a) *Amendments to the Church Representation Rules in relation to entry on the church electoral roll and the right to speak, vote and stand for office at the annual parochial church meeting* The main object of these proposals for specific amendments to the Rules, put forward by the Reverend Dr John Hartley, was to allow a person not resident in the parish to be entered on the roll if he or she signed a declaration of intention to be a committed member of the parish church, but to ensure that the entry would not be retained on the roll at the annual revision if it had been there for 6 months or more, unless the person concerned had become a habitual worshipper, and that only then would it carry rights of participation at the annual parochial church meeting.
- (b) *Remarriage of divorced persons* Mrs Angela Southern proposed safeguards to check that the principles which had been accepted as regards the remarriage of a divorced person in the lifetime of a former spouse were adhered to.
- (c) *Solemnisation of marriages in places other than churches* Mr Stephen Barney proposed making provision for licensed ministers to conduct Christian marriage services in places other than churches, and the Bishop of Guildford supported the idea of making use of redundant churches for marriages. One of the letters on the Measure in the *Church Times*, from the Reverend Ken Hobbs, also argued for the increased use of buildings vested in the Churches Conservation Trust for solemnising marriages.

On behalf of the Committee
Geoffrey Tattersall (Chair)
11th June 2007

**APPENDIX 1
PART I**

**Proposals for Amendment under SO 53(a)
and other submissions received within the period fixed by that Standing Order
were received from the following members of the General Synod:**

Miss Anne Ashton	Portsmouth †
The Reverend Paul Ayers	Bradford
Mr Stephen Barney	Leicester
*Ms Sallie Bassham	Bradford
*The Reverend Paul Benfield	Blackburn
The Reverend Canon David Bird	Peterborough
The Reverend Canon Dr David Blackmore	Chester
Mr Joseph Brookfield	Blackburn
Dr Graham Campbell	Chester
Mr Jim Cheeseman	Rochester
Professor John Craven	Archbishops' Council
*Mrs Sarah Finch	London
Mr Adrian Greenwood	Southwark
*The Reverend Dr John Hartley	Bradford
*The Venerable Alan Hawker (the Archdeacon of Malmesbury)	Bristol
*The Reverend Mark Ireland	Lichfield
The Reverend Canon Chris Lilley	Lincoln
The Venerable Clive Mansell (the Archdeacon of Tonbridge)	Rochester
The Reverend Colin Randall	Carlisle
*Mr Clive Scowen	London
Mrs Angela Southern	Winchester
The Reverend Mary-Lou Toop	Hereford
The Reverend Canon Tony Walker	Southwell & Nottingham

† Miss Anne Ashton died after submitting her proposals and after the meeting of the Revision Committee, at which they were considered.

* These members attended at the meeting of the Committee and spoke to their proposals, or were represented at the meeting by another Synod member, in accordance with SO 53(b).

PART II

Other proposals and submissions were received from:

The Right Reverend Christopher Hill (the Bishop of Guildford)	House of Bishops
The Reverend Tim Stratford	Liverpool
The Reverend Mark Bennet	Priest-in-Charge, Great Parndon, Chelmsford
The Reverend Graham Usher	Rector, Hexham, Newcastle

APPENDIX II

PROPOSALS FOR AMENDMENT RECEIVED UNDER SO 53(a) RAISING POINTS OF SUBSTANCE

Introductory Notes

1. This list, as required by SO 54, covers the specific proposals for amendment received from Synod members under SO 53(a) which raised points of substance. The reasons for the decisions taken by the Revision Committee (“the Committee”) are given in the body of the report.
2. The body of the report also gives details of the Committee’s consideration of proposals by the Steering Committee, other proposals put forward at the meeting of the Committee, proposals received out of time under the Standing Orders, proposals from persons other than Synod members, and submissions other than specific proposals for amendment. *Synod members are asked to note that a number of significant proposals accepted by the Committee fell within this grouping.*
3. Clause numbers etc in the draft Measure (“the Measure”) are given as in GS 1616A
4. *In the case of the proposals to substitute a completely different provision for clause 1, not based on the concept of qualifying connection, or to delete clause 1, some of the members listed below as putting forward the proposals put forward a number of alternatives, not all of which would be their personal preference or ones which they personally would support, and/or asked for a proposal to be considered even though they personally did not support it.*
5. As regards the proposals for additional provisions regarding *marriage preparation*, and regarding measures to *prevent an unacceptable increase in workload*, many of the submissions to the Committee discussed these issues but expressed differing views about them, and the specific proposals listed below took different forms but are grouped together for the convenience of Synod members.

Provision of draft Measure	Summary of proposal	Name of Synod member – See introductory notes 4 and 5	Committee’s decision
Clause 1	Substitute right to marry in any parish of couple’s choice.	Ms Sallie Bassham, Canon Dr David Blackmore, Mr Joseph Brookfield, Dr Graham Campbell, the Revd Dr John Hartley, the Revd Mary-Lou Toop	Not accepted

Provision of draft Measure	Summary of proposal	Name of Synod member – See introductory notes 4 and 5	Committee's decision
Clause 1	<p>Substitute right to marry in any parish church or public chapel of the couple's choice, provided the relevant minister is satisfied that the couple have together undertaken appropriate preparation for Christian marriage, and in particular have been sufficiently instructed in the nature, meaning and practice of Christian marriage.</p> <p>Substitute provision making church marriage available unconditionally to all who can call themselves Christian.</p>	<p>Mr Clive Scowen</p> <p>Mr Stephen Barney</p>	<p>Not accepted</p>
Clause 1	<p>Provision widening incumbent's discretion, on basis of "demonstrable connection" model.</p> <p>Substitute provision permitting couple to marry in church of their choice, with permission of incumbent, and subject to their attending suitable marriage preparation at that church.</p> <p>Substitute provision permitting couple to marry in church of their choice, subject to right of PCC/incumbent to refuse on specified grounds based on objective criteria laid down by House of Bishops or Archbishops' Council.</p> <p>Substitute right for parish, as a matter of discretion, to accept wedding requests from couples without existing rights; discretion possibly to be assisted by Code of Practice; possibility of parish specifying maximum number of marriages in a year and/or requiring marriage preparation.</p>	<p>The Revd Colin Randall</p> <p>The Revd Mark Ireland</p> <p>Mr Adrian Greenwood</p> <p>The Ven Alan Hawker (who put forward further proposals in the course of the Committee's meeting – see body of report)</p>	<p>Not accepted</p>
Clause 1	Delete as unnecessary or undesirable	The Revd Paul Ayers, the Revd Dr John Hartley, Mr Clive Scowen	Not accepted

Provision of draft Measure	Summary of proposal	Name of Synod member – See introductory notes 4 and 5	Committee’s decision
Clause 1(3)	Restrict qualifying connections - probably to cases where one of couple has a place (e.g. parental home) in parish which he/she regards as “home” even though he/she does not live there.	Mr Clive Scowen	Not accepted
Clause 1(3)(a)	Add provision for person currently on church electoral roll.	Miss Anne Ashton	Fell as result of other amendments accepted by Committee
Clause 1(3)(c)	Delete.	Miss Anne Ashton	Fell as result of other amendments accepted by Committee
Clause 1(3)(e) and (f)	Confine “marriage” to marriage in a church in the parish.	Canon Tony Walker	Principle agreed but covered by clause 1(11)(c)
Clause 1(3) – additional provision	Reinstate provision for attendance at school in parish as a qualifying connection.	Miss Anne Ashton	Not accepted
Clause 1(8)	Proposal as to words “ have regard to” in clause 1(8)(b)	The Revd Robert Benfield	Not accepted
Clause 1(8)	Make provision for person claiming qualifying connection to swear affidavit as to facts establishing connection.	The Revd Paul Benfield	Accepted in modified form, involving use of statutory declaration.
Clause 1(10)	Bring parish church cathedrals within Measure.	The Revd Dr John Hartley	Not accepted
Clause 1 – additional provision	Place upper limit on number of marriages under Measure in a particular church in a given period.	The Revd Dr John Hartley	Not accepted

Provision of draft Measure	Summary of proposal	Name of Synod member – See introductory notes 4 and 5	Committee's decision
Clause 3	Delete.	Miss Anne Ashton	Fell as result of other amendments accepted by Committee
Additional Provisions	Allow for more generous provision by agreement between church/clergy and couple, by use of licence system.	Canon Chris Lilley	Special Licence procedure would continue to be available
Additional Provisions	Add provision for mandatory marriage preparation in all cases (if legally possible), or in cases under the Measure, or as a condition for marriage under the Measure (or the Measure amended as proposed in entries above under clause 1).	Dr Graham Campbell, Canon Chris Lilley, the Ven Alan Hawker, Mr Clive Scowen	Not accepted
Additional Provisions	Provision (in Measure or guidance) to prevent unacceptable increase in workload of clergy (and in some cases laity).	Canon Dr David Blackmore, Mr Joseph Brookfield, Dr Graham Campbell	Not accepted
Additional Provisions	<p>Specific amendments to Church Representation Rules regarding entry on church elector roll and participation in business of annual parochial church meeting.</p> <p>Provision as to adherence with principles regarding remarriage of divorced person with former spouse still living.</p> <p>Provision for solemnisation of marriages in places other than churches.</p>	<p>The Revd Dr John Hartley</p> <p>Mrs Angela Southern</p> <p>Mr Stephen Barney</p>	<p>Not within Committee's powers under SO 53(e)</p>

APPENDIX III

DESTINATION TABLE

GS 1616 (as at First Consideration)	GS 1616A (as amended by Revision Committee at original Revision Committee Stage)	GS 1616B (as amended by Revision Committee at Further Revision Committee Stage)
1(1)	1(1)	1(1)
1(2)	1(2)	1(2)
1(3)(a)	1(3)(a)	-
1(3)(b)	1(3)(b)	1(3)(a)
1(3)(c)	1(3)(c)	1(3)(b)
1(3)(d)	1(3)(d)	1(3)(c)
1(3)(e)	-	-
1(3)(f)	1(3)(e)	1(3)(d) & (e)
1(4)	-	-
	1(4)	1(4)
1(5)	1(5)	1(5)
1(6)	1(6)	1(6)
-	1(7)	1(7)
1(7)	1(8)(a)	1(8)(a)
	1(8)(b)	1(8)(b)
-	-	1(9)
1(8)	1(9)	1(10)
1(9)	1(10)	1(11)
1(10)	1(11)	1(12)
-	1(12)	1(13)
-	1(13)	1(14)
2	2	2(1)
-	-	2(2)
-	3	3
3	4(1)	4(1)
-	4(2)	4(2)
-	4(3)	-
4	5	5
-	Schedule	-