

# 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 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 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 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.”

## 2 Form 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) In section 7(2) of the Marriage Act 1949, 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 or either of them, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures, and
  - (b) section 2 and this section shall extend to the Isle of Man, and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, section 1 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.