

GENERAL SYNOD

DRAFT CHURCH OF ENGLAND MARRIAGE (AMENDMENT) MEASURE

Explanatory Memorandum

The Draft Church of England Marriage (Amendment) Measure makes a number of minor but important changes to the law relating to marriage according to the rites of the Church of England.

Clause 1 – Qualifying connections under section 1 of the Church of England Marriage Measure 2008

Clause 1 inserts a new section into the Church of England Marriage Measure 2008. It has been brought forward to give effect to the decision of the Synod taken in July 2010 when it passed a motion from the Ripon and Leeds diocesan synod in the following terms—

‘That this Synod request the Archbishops’ Council to introduce legislation which would enable the Bishop to give directions allowing those who have a “qualifying connection” with a particular parish (under the Church of England Marriage Measure 2008) to marry in any church within the benefice of which that parish forms a part.’

The background to that motion (including the relevant legal considerations) can be found in GS 1800A and GS 1800 B (both available in the General Synod section of the Church of England website under “General Synod agendas and papers” for July 2010).

The new section 1A(1), as inserted by clause 1 of the draft Measure, will mean that persons who have a qualifying connection with a parish in a benefice that is held in plurality, or in multi-parish benefice, will be able to take advantage of a bishop’s direction to marry in a church of the other benefice (in the case of a benefice held in plurality) or of another parish in the benefice (in the case of a multi-parish benefice).

It remains in the bishop’s discretion as to whether to make such a direction and – if so – which churches to specify in the direction.

The new section 1A(2) makes provision so that where it is intended that a marriage should take place in a particular parish on the basis of one of the parties having a qualifying connection with that parish, and the parish church (or other chapel in the parish) is unavailable because it is being rebuilt or repaired, the marriage can instead take place either in another licensed or consecrated building in the parish or – if there is no such building – in a church or chapel of an adjoining parish.

This will mean, for example, if the church where a couple intend to marry on the basis of a qualifying connection has to close for emergency repairs and is therefore

unavailable on their wedding day they will be able to marry in another building instead – either in the same parish or a neighbouring one.

Clause 2 – Form of banns

The Marriage Act 1949 requires banns to be published using the form of words contained in the rubric prefixed to the office of matrimony in the Book of Common Prayer. *Common Worship: Pastoral Services* contains an alternative form of words for banns, as did *the Alternative Service Book 1980*. Unfortunately there was no lawful authority for *Common Worship* or *the Alternative Service Book* to make such provision. Clause 2 will make it lawful to use the alternative form of words when publishing banns.

Clause 3 – Citation, commencement and extent

Clause makes provision as to how the Measure is to be cited. It provides for clauses 2 and 3 to come into force immediately on the giving of the Royal Assent and for clause 1 to come into force on a day to be appointed by the Archbishops. It further provides that the Measure is to extend to the whole of the provinces of Canterbury and York subject to certain exceptions in respect of the Channel Islands and the Isle of Man which have their own legal systems.

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