



# LEICESTER DIOCESAN REGISTRY

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## MARRIAGE – GUIDANCE ON BANNS & LICENCES (June 2022)

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We hope that this note will help clergy, church officers and parish administrators when they are approached by couples who wish to marry in their church(es). We have tried to cover as many areas as possible but it cannot cover all eventualities. If you have a question, please do contact the Registry!

There are four ways of authorising couples to marry:

- **Banns**
- **Common Licence**
- **Superintendent Registrar's Marriage Schedule (SRMS)**
- **Archbishop's Special Licence**

### Marrying in a particular church

A couple can get married in a particular parish church if one of them:

- lives in the parish; or
- is on the church electoral roll; or
- has a qualifying connection with the parish.

Someone will have a qualifying connection with the parish if:

- they were baptised there;
- they were confirmed there;
- at any time, they or one of their parents have lived there as their usual place of residence for at least 6 months (in the case of a parent, the 6 months should be during the lifetime of the child to be married);
- they or one of their parents have habitually attended public worship there for at least 6 months (in the case of a parent, the 6 months should be during the lifetime of the child to be married);
- their parents or grandparents were married there.

### Useful things to note

- The Bishop can issue a Direction for a benefice which permits banns to be called in one church in the benefice and the wedding to take place in another church within that same benefice. This Direction can also enable a couple who have a qualifying connection with one parish in the benefice to have their banns heard and be married in any parish church in the same benefice.
- If someone lives in a parish or has a qualifying connection with a church that does not have regular Sunday services every week, they may marry in an immediately adjoining parish church.

- The wedding must take place between 8am and 6pm – this is still required under Canon Law, despite the statutory requirement being repealed. There are rare exceptions to this rule e.g. medical necessity, or under an Archbishop's Special Licence (see later). The wedding ceremony must have ended before 6pm but the Marriage Document can be signed after 6pm (provided this is immediately after the wedding).
- Currently a person aged 16 or 17 may be married with parental consent. However, there is a new law in progress through Parliament, the Marriage and Civil Partnership (Minimum Age) Bill, that will increase the legal minimum age to 18 and make it a criminal offence for a clergy person to conduct the marriage of any person under the age of 18, even if preliminaries for that marriage (e.g. publishing of banns) have been started or completed before the Act comes into force.

## **BANNS**

### **General**

This is the usual preliminary for marriages and should be followed unless circumstances are such that other preliminaries are necessary.

- Banns cannot be published more than three months before the wedding. They must be published on three Sundays before the wedding but these need not be consecutive Sundays.
- You are not obliged to (but you may) publish banns unless at least 7 days beforehand the couple have provided written notice of their full names, places of residence and how long they have resided there.
- The residence requirement for the purpose of having banns published is unique in that it has to be satisfied at one instant in time i.e. when the written notice is given. It is just a requirement for the person to reside in the parish, not to have their usual place of residence there. If a couple move between giving the notice and the wedding, this does not invalidate the publishing of banns in the parish where the notice was given.
- A member of the clergy must always authorise the entry in the banns register before the first publication of banns.
- Banns must be published at either the principal service or the principle service and another service. The principle service is the one at which the minister believes the greatest number of habitual worshippers attend – this may not necessarily be the morning service.
- Banns cannot be published in a service only held virtually using video conferencing applications.
- A lay person (usually a licensed lay minister) may publish banns if no clergy are officiating and the service is morning or evening prayer and at the usual time when banns are usually heard in that church. That person may also sign the entry in the banns register immediately subsequent to the publication.
- Banns do need to be published in a church. If your usual parish service takes place in another building e.g. a school or church hall, banns cannot be called at that service, unless the building has been specially licensed for the purpose, such as when the church is temporarily closed for building works or as part of arrangements establishing a Bishop's Mission Order.
- If banns are published other than in the parish where the couple are to be married (e.g. because they live outside the parish), a banns certificate must be issued by the publishing church and the minister taking the wedding must see the certificate prior to the wedding.

- A banns certificate must always be signed by the incumbent to minister in charge of the building in which banns are published, or by a clergy person nominated to sign banns certificates by the Bishop.
- Banns become void three months after the last publication, so if the wedding has not taken place by then, banns must be repeated as if they hadn't been published in the first place.

#### **Things to check in a banns application:**

- **Nationality**
- **Address**
- **Status**
- **Connection with parish**

#### **Nationality requirements**

For banns to be read, **both** of the couple must be both living in England and Wales and Relevant Nationals.

For a common licence (see later) one or both of the couple may live outside England and Wales but **both** must be Relevant Nationals.

Non-Relevant Nationals can only be married in a Church of England church under the authority of a Superintendent Registrar's Marriage Schedule or an Archbishop's Special Licence (see later).

A Relevant National is:

(a) a British citizen; or

(b) an Irish citizen; or

(c) a person who has EU Settlement Scheme settled status, pre-settled status (if they had been in the UK <5years) or a pending application for that settled status submitted before 30 June 2021.

#### **Evidence of nationality, address, status (e.g. widowed, divorced) and qualifying connection**

The minister who marries a couple needs to ensure that they have seen enough evidence from the couple to reassure them that the couple can be married by banns in their chosen parish church.

The evidence that you see should be the original documents, not copies. Certified copies may be acceptable in some circumstances. If documents are in another language, you must ask the couple to arrange for you to be sent a certified translation.

#### **Evidence of being a Relevant National**

##### **British or Irish nationals**

ID documentation such as a valid passport or a certificate of naturalisation with evidence of current use of name and surname. Do check to see if the passport is in date. If the passport is not in date, then the person will need to produce the following:

(a) full UK birth certificate (check that it has the person's parent(s) name(s) on it);

(b) evidence of the current use of their name and surname (see below); and

(c) if they were born after 01.01.1983, in addition, evidence of their parents' British citizenship or settled status at the time of the birth and, if citizenship is claimed through their father, their parent's marriage certificate.

**Evidence of current use of name and surname – one of the following:**

- valid driving licence;
- utility bill dated no more than three months before the date of the banns application;
- bank or building society statement or passbook dated no more than one month before the date of the banns application;
- council tax bill dated no more than 12 months before the date of the banns application;
- mortgage statement dated no more than 12 months before the date of the banns application;
- current residential tenancy agreement.

**Evidence of change of name – one of the following:**

- enrolled deed polls;
- deed polls – if signed in old and new name; witnessed and dated;
- change of name deed – if signed in old and new name; witnessed and dated;
- adoption certificate;
- statutory declaration – provided it is signed in the new name and contains the legal statement "I [name] do solemnly and sincerely declare that/as follows.... And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835";
- affidavit – signed by the oath maker and judicial officer who administered the oath, dated and includes details of the change of name, including the old and new name; and
- gender recognition certificate.

**Settled or pre-settled status**

If one or both of couple say that they have settled status, you must check this on the Government website: <https://www.gov.uk/check-immigration-status>

You will need the person whose status you are checking to:

(a) send you a nine digit 'share code' – this is created when that person gives you permission to view their status from their online status portal (see: <https://www.gov.uk/view-prove-immigration-status>); and

(b) tell you their date of birth.

Once you have inputted this information into the government webpage, you should see the person's photo, name and their status.

The entry should confirm their settled or pre-settled status.

A share code lasts for 30 days after which a new code will need to be issued to you

**Pending applications for settled or pre-settled status**

For those with pending applications under the EU Settlement Scheme, their Certificate of Application can be viewed through the same Government website <https://www.gov.uk/check-immigration-status>, with a share code.

You may be presented with a hard copy or a pdf notification. The certificate should be clear on the face of it that it is a certificate of application and refer to the relevant person's application under the EU Settlement Scheme.

The application must have been made before the scheme closed on 30 June 2021.

## Evidence of address

- valid driving licence;
- utility bill dated no more than three months before the date of the banns application;
- bank or building society statement or passbook dated no more than one month before the date of the banns application;
- council tax bill dated no more than 12 months before the date of the banns application;
- mortgage statement dated no more than 12 months before the date of the banns application;
- current residential tenancy agreement.

## Evidence of status

**If divorced**, a copy of the Decree Absolute (note that this is now called a Final Order but you are likely to see documents called Decree Absolute for some time in the future).

If the marriage was dissolved by a Court from another country:

- a copy of the relevant Order dissolving the marriage together with a professional translation into English, certified as a true copy by the appropriate Embassy; and
- evidence from the relevant Embassy or a solicitor that the Order dissolving the marriage is legally effective in England.

**Note:** Bishop Martyn is very happy to allow clergy to use their own discretion as to whether they are content to marry those who have been divorced. Clergy ought to consider the [House of Bishop's Guidance on marriage in church after divorce](#) when making such a decision.

**Note:** Clergy have no discretion about calling banns of a divorced person – if they have a legal qualification to marry in the parish and they have given you the required notice and details, you must publish their banns.

**If widowed**, a copy of the late spouse's death certificate.

**If one of the couple is under 18 years**, written consent of their parents is required to the marriage.

## Evidence of Qualifying Connection

The minister of the church in which the wedding is to take place has a statutory responsibility to satisfy themselves that the couple have a qualifying connection with the relevant parish. This is usually established in the initial meeting with the couple and through local knowledge. If you are relying on something told you by someone else, you should obtain this information in writing, sign by the person giving it (see below regarding written statements).

Evidence is only required in respect of one qualifying connection.

### Baptism

- you can view
  - the entry in the baptismal register personally; or
  - a certified copy of the entry; or
  - a certificate of baptism
- it includes adult baptism but not when it was part of a confirmation;

- the baptism need not have been in the parish church but it must have been according to the rites of the CofE.

### **Confirmation**

- the confirmation must have been entered in the register of confirmations for a church/chapel in the parish and you must see either the original entry or a certified copy.

### **Marriage of parent/grandparent**

- you should view:
  - the relevant entry in the marriage register; or
  - a certified copy of the register entry; or
  - a marriage certificate
- the marriage need not have taken place in the parish church but must have been according to the rites of the CofE;
- the parent/child/grandparent relationship must be established – this can be through
  - personal knowledge
  - a birth certificate or entry of baptism of child/parent (as applicable)
  - a certificate of adoption

### **Usual place of residence**

- this means the person has their home base in the parish, even if temporarily absent for work or holiday;
- only one parent needs to satisfy the test;
- in the case of a parent, the 6 months residency in the parish must have been during their child's lifetime;
- this may be established by personal knowledge but if not, please see 'evidence of current address' above and consider the need for written information.

### **Habitual attendance**

- the test will be satisfied if the person concerned has worshipped in the parish for 6 months or more and has attended regularly at least once a month unless prevented by illness;
- the worship need not be in the parish church, or on a Sunday but it must have been:
  - according to the rites of the CofE
  - public worship
- this may be established by personal knowledge but if not, consider the need for written information;
- in the case of a parent, the 6 months attendance must have been during their child's lifetime;
- the parent/child/grandparent relationship must be established
  - personal knowledge
  - birth certificate or entry of baptism of child/parent (as applicable)
  - certificate of adoption

### **Written information**

A minister can require a person to provide a statutory declaration in special cases where there is a specific reason to satisfy themselves that a qualifying connection exists.

In other cases, including Common Licence applications, the minister/surrogate/Registrar can require a written statement. The statement should be in writing and signed by the person making it, with their name printed underneath their signature.

It should contain a statement of truth: "I believe that the facts stated in this statement are true".

The person making the statement, depending on the circumstances, could be the current parish priest, a person at present holding office or serving in the parish e.g. church warden, a former parish priest, or some other person who formerly held office or served in the parish, or some other independent person such as a doctor or solicitor.

As well as the details required to establish the qualifying connection, the statement should include details of the maker's position/profession, contact details, how they know the relevant person and how long they have known them.

## COMMON LICENCE

A Common Licence is necessary if:

- one or both of the couple live outside England and Wales but **both** are Relevant Nationals (non-Relevant Nationals can only be married in a Church of England church under the authority of a Superintendent Registrar's Marriage Schedule – see below).

It will also be appropriate if:

- there is no time to call banns;
- there is a need to avoid local publicity.

### Qualification for a Common Licence

One of the couple (but not necessarily the one making the oath) must either:

- have lived – as their usual place of residence - in the parish where the wedding is to take place for at least 15 days immediately preceding the date the oath is made; or
- be on the electoral roll of the relevant parish; or
- have a qualifying connection with the relevant parish (see Banns section above).

### The procedure

- The couple and the minister of the parish where they want to get married must meet. This will be an opportunity for the couple and the minister to discuss the wedding arrangements and to establish that the couple meet the qualifications for a Common Licence.
- The couple and minister must complete an application form (available from the [Diocesan Registry](#)). Part A is for the couple to complete and Part B for the minister taking the wedding service.
- The minister will need to confirm in Part B of the application form that the meeting has taken place, they are happy that the couple genuinely want to be married and that they will conduct the ceremony. If one of the couple is under 18 years, written consent of their parents is required to the marriage and should accompany the application (and see the note above regarding the change of law to the age of marriage).
- The completed form must be sent to the Registry: Leicester Diocesan Registry c/o Stone King LLP, Boundary House, 91 Charterhouse Street, London EC1M 6HR, along with a cheque for the fee of £200, made payable to 'Stone King LLP' and copies of the required supporting

documents – Part C of the application form gives more details about this. It is possible for Parts A and B to be sent to the Registry separately.

- The completed and signed application form and copy documents can be sent electronically to [registry@stoneking.co.uk](mailto:registry@stoneking.co.uk). Please also email that address for our bank details if you would like to send the fee electronically.
- The Diocesan Registry will review the application and supporting documents. Once it is satisfied with the application, the supporting documents and that the fee has been paid, it will give the couple details of the nearest marriage surrogate who is authorised by the Diocesan Chancellor to take the oath to grant the licence.
- The couple and the surrogate will make an appointment for the oath. Usually the person with the qualifying connection will make the oath. Only they need attend the oath meeting but both can attend if they want. The attendee(s) must bring with them copies of all their supporting documents for the surrogate to check against the copies sent them by the Registry.
- The oath will contain details such as the date of the wedding, the couple's names, addresses, dates of birth, nationality and marital status, and which of the qualification criteria apply. The person making the oath must swear to the truth of these facts and that they do not know of anything that will prevent the marriage taking place.
- The Licence will be given to the couple following the oath being made. It is not necessary for the hard copy licence to be completed prior to the wedding (although this is preferable). If time is tight, once it has received a copy of the oath, the Registry will confirm to the minister taking the wedding that the licence has been granted and the wedding may go ahead.
- The wedding must take place within three months of the oath being made at the church referred to in the licence and between the hours of 8am and 6pm.

## **SUPERINTENDENT REGISTRAR'S MARRIAGE SCHEDULE (SRMS)**

If:

- one or both of the couple are **not** Relevant Nationals

but one or both of them either:

- live in the parish or
- are on the parish electoral roll or
- have a qualifying connection with the parish

the couple may marry in the parish church if they jointly apply and are granted a Superintendent Registrar's Marriage Schedule (SRMS).

**NB** If a couple **are** Relevant Nationals they may marry by SRMS but to do so they must either live in the parish or be on the electoral roll.

As a reminder a Relevant National is:

(a) a British citizen; or

(b) an Irish citizen; or

(c) a person who has EU Settlement Scheme settled status, pre-settled status (if they had been in the UK <5years) or a pending application for that settled status submitted before 30 June 2021.



You should ensure the couple have the relevant links to the parish before advising that they proceed with an SRMS application because as part of the application process the couple will need the consent of the minister of the church where the wedding is taking place and that minister must state the couple's eligibility to marry in that church. You can use this as an opportunity to arrange for marriage preparation as required by canon law - this is still applicable to weddings by SRMS.

### **Residence requirement for an SRMS**

Both of the couple must have been resident for at least seven full days in a registration district in England or Wales before the day on which they give notice.

The requirement for residency extends only to being physically resident at the relevant time – there is no requirement for any intention to live there permanently. The seven days must expire before the notice is given i.e. before the couple's appointment with the Register Office.

### **The procedure**

SRMSs are dealt with by the Register Office and not by the Diocesan Registry – please always refer to the Register Office for the current procedure, fee and requirements.

- The couple should give notice together, in person, at their local register office. They can find out where it is at: <https://www.gov.uk/register-offices>. All register offices in England and Wales are now designated register offices, so the office can be in an area where either resides.
- If one of the couple is not a Relevant National, they must give notice together.
- The Register Office will display that notice for 28 days after the day of the appointment (so you need to allow at least 29 days before the wedding).
- The 28-day period can be reduced on formal application if there are exceptional circumstances and compelling reasons. You will need to refer the couple to the local superintendent registrar.
- The 28-day period may be extended to 70 days by the Home Office but only if it considers it has reasonable grounds to suspect the wedding is a sham and writes to the couple to say so during the 28-day period.
- Notice can be given up to 12 months before the wedding date.
- SRMSs are valid for 12 calendar months.

### **Useful things to note**

- there is a fee payable per person, which depends on the type of visa held;
- there are [various documents](#) that the couple will need to accompany their application;
- an SRMS for a Non-relevant National should have photographs of the couple attached but if there are not, the wedding can still go ahead.

### **Pre-marriage checks and questions**

- check the SRMS when you receive it to ensure the details are correct and it is valid;

- any amendments to the SRMS which do not relate to the identity or status of the couple can be corrected and initialled by the couple and (but not obligatory), you as minister before the wedding;
- ask the couple to:
  - confirm their name, surname and date of birth – the replies should match the SRMS and any unexplained or unsatisfactory explanations of differences should be checked with the local superintendent registrar or the GRO before the wedding can take place;
  - confirm they haven't been married or in a civil partnership in the UK or any other country - the reply should match the 'condition' box on SRMS. Discrepancies should be resolved before the wedding and any problems with this can be referred to the local superintendent registrar or in their absence, the GRO. However, if evidence that the person is free to marry is presented and it relates to a UK, Isle of Man or Channel Islands divorce, the wedding can go ahead.
- if you go ahead with a wedding with an amendment to the SRMS relating to identity or status, you must write an explanation on the back of the SRMS.

## ARCHBISHOP'S SPECIAL LICENCE

These licences are granted through the Faculty Office, who describe them as 'a privilege and not a right'.

**As with an SRMS, the Diocesan Registry takes no part in the Special Licence procedure, so always contact the [Faculty Office](#) for the current procedure, fee and requirements.**

Special Licences are usually used:

- in relation to where the couple want to get married e.g.
  - a Cathedral (in most cases);
  - a chapel in a parish which is not licensed for marriages;
  - school or college chapel;
  - a chapel serving an institution of category of persons e.g. hospital, military bases, Inns of Court;
  - a privately-owned estate chapel which hosts Church of England services;
  - a redundant church e.g. managed by the Churches Conservation Trust.

Technically a licence can be granted for a marriage anywhere in England and Wales but in practice is usually only granted for marriage in buildings customarily used for Anglican worship.

The general rule stated by the Faculty Office is that the couple must have:

*“a genuine and longstanding demonstrable link with the building and/or institution concerned and have the permission and support of the person or body responsible for the Church or Chapel”*

There is some guidance on the requirements for applicants wanting to marry in a school, college or university chapel. Licences are normally granted where one of the couple has a strong family link or connection with the institution, or is:

- member of staff
- child of one of the members of staff
- former member of staff of longstanding service
- current or an ex-student

of the school/college. Members of staff can be teaching or non-teaching.

If none of the above apply, the minister who is going to conduct the wedding should write to the Faculty Office on behalf of the couple and explain the special circumstances.

**The convenience of the reception venue or the prettiness of the church is not considered a good enough reason to grant a special licence!**

- If required by medical necessity e.g. outside the permitted hours of 8am – 6pm, or in a hospital, hospice or private home, where one of the couple or a close relative of one of them (e.g. parent, sibling, child) is very seriously ill and may not recover.

### **The procedure**

- The couple should first contact the minister at the relevant church/chapel minister and obtain their support to the application.
- If there is any question mark over whether a Special Licence will be granted, [contact](#) the Faculty Office to discuss the circumstances.
- If an emergency marriage is required due to medical necessity, the intended officiating minister should contact the Faculty Office Emergency Marriage Line (currently 07718 394974) for advice and guidance.
- In non-emergency cases, the couple can complete an application form, pay the fee and submit the application [online](#).
- The fee for a special marriage licence is currently £350
- The application will be checked by the Faculty Office and if approved, the supporting minister will be emailed a link to register and log in to the applications portal.
- The supporting minister will need to click on the relevant application and complete the online form which will have been generated automatically based on the replies given by the couple in their application. Once completed, the form can be submitted to the Faculty Office.
- The following conditions have to be satisfied before a Special Licence can be approved:
  - the couple's families should approve;
  - the incumbents/ministers of the parishes where the couple reside should be consulted (if the couple live abroad, an Anglican Minister local to their home should be consulted);
  - the school/college authorities (where relevant) must have consented;
  - the minister who is to take the wedding must fully support the application.
- The couple will be told if their application has been successful and the Faculty Office will prepare an affidavit.

- If both of the couple are UK/Irish Nationals, the affidavit can either be sworn at the Faculty Office in Westminster, London or before an Anglican minister in England or Wales (this could be the officiating minister), in which case the affidavit will be emailed to the relevant parties.
- If one or both of the couple are not UK/Irish Nationals, the couple must attend an interview at the Faculty Office and if all is in order, the affidavit will be sworn at that appointment.
- If not sworn at the Faculty Office, the sworn affidavit will need to be sent to the Faculty Office.
- The Faculty Office will issue the Special Licence to the officiating minister.
- The application can be made up to 18 months in advance of the wedding date but note that the Faculty Office advise that no wedding plans other than speaking to the minister at the relevant church/chapel are made until the couple hear that their application has been accepted and that a licence will be issued.
- The Special Licence is sent in the post direct to the officiating minister approximately 3 weeks before the wedding.

We hope this note has been of use. As said, we cannot cover all eventualities here, so if you have a question, don't be afraid to ask.

The General Register Office [Guidebook for The Clergy](#) is always good for reference (last update 01 July 2021), as is the Faculty Office Yellow Book '[Anglican Marriage in England and Wales: a Guide to the Law for the Clergy](#)' (but approach this with care as it was printed in 2010 and you must have the supplements to be up to date).

If you have any queries, please do not hesitate to contact us at: [registry@stoneking.co.uk](mailto:registry@stoneking.co.uk)

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