

Covid-19

Marriage Guidance

I hope the following will bring together essential aspects of applicable rules, advice and guidance which need to be followed during the period of suspension of public worship caused by the Covid-19 pandemic.

- 1) Whilst churches are closed, no weddings can take place in church. If there is urgent need for a death-bed wedding, please contact the Archbishops' Faculty Office immediately. Their contact details are given in point 25) below.
- 2) These notes, therefore, cover those weddings which might still go ahead later this year but for which banns will not have been read, because of the present closure of churches and the suspension of public worship.
- 3) The Archbishops' *Practical Guidance for Weddings* on the Church of England Coronavirus website should be viewed and strictly followed. For the moment, it says no weddings can take place in church, but it should be checked periodically.
- 4) If the couple decide they don't wish to postpone their wedding but wish to continue with preparations, and all three readings of the banns have taken place, it can go ahead, provided the Archbishops have given their consent for marriages to take place in churches again. If it becomes a very minimalist wedding, you could offer a blessing at a later date and make allowances on fees.
- 5) If banns have not been read in full, they cannot be completed by live-streaming the service. An alternative preliminary to banns must be used, otherwise the marriage will not have been legally performed.
- 6) The alternative options are:
 - a. Common Licence through the Registry;
 - b. Civil Superintendent Registrar's Certificate through the civil Registrar;
 - c. Special Licence through the Archbishops' Faculty Office.
- 7) A **Common Licence** (CL) is the most likely to be useful. We have already issued a request, from the Registry, for details of weddings which you have scheduled to take place up to the end of July 2020. If one of the couple lives in the parish, is on the Electoral Roll or has **already fulfilled** a Qualifying Connection (QC) and both are British or EEA (including Switzerland) nationals, then a CL may well be available. We are now extending this to the **end of August** and should be grateful if you would contact Natalie or Amy with details of any further, potential weddings.
- 8) Provided the CL is only being required because banns cannot be read because of the Covid-19 pandemic, then the normal fee of £200 will be reduced to £60. This is due entirely to the Registry and is payable by cash or cheque in favour of **Eddowes Waldron**. Payment can also be made by card by telephoning Reception at Eddowes Waldron on 01332 348484. Please note that a CL will not be issued until the cheque has cleared. In cases of urgency, therefore, cash or card would be the better option. This can be paid directly to Eddowes Waldron or to the Marriage Surrogate.
- 9) Until at least after Easter, all Surrogate appointments have been suspended. Our aim is to have the paperwork approved in advance, so surrogate appointments can take place at the last minute.

- 10) If one of the couple has **previously been married** and the former spouse is still living, then it is imperative that the Registry is contacted immediately, because additional forms will need to be completed.
- 11) Process for applying for a CL:
 - a. Contact Natalie Hutchinson, the Registry Clerk, on 01332 614723 or by emailing her at nh@ewlaw.co.uk at least five weeks before the wedding, if she or Amy Wells hasn't been in touch with you beforehand. If it is already less than five weeks before the wedding, please contact Natalie immediately.
 - b. Natalie will need to know:
 - i. The full names of the couple;
 - ii. Their contact details;
 - iii. Where the wedding will take place;
 - iv. When it will take place;
 - v. Who will be conducting it;
 - vi. What the QC is;
 - vii. Whether either has been married before.
- 12) Natalie will then contact the couple and ask them to e-mail over to her their ID and other evidence which she will require to establish the QC. This will vary, depending on what the QC is. The information will then be checked to ensure it is correct and any extra evidence requested. This prevents last minute problems later on.
- 13) When we are satisfied that the documentation which will be produced is correct, and once the temporary suspension on Surrogate appointments has been lifted, Natalie will put the couple in touch with the Marriage Surrogate closest to them, if at all possible. The couple will need to arrange an appointment for them to attend the Surrogate **together**. The Surrogate will not proceed if only one party to the marriage attends. The Surrogate will say where the meeting is to take place, in view of the need to maintain social distancing. This may well be his/her church.
- 14) Before the meeting takes place, Natalie will have e-mailed to the Surrogate copies of all documents which the Surrogate will need to see. The Surrogate will then print them out to check against the originals which will be taken to the appointment by the couple.
- 15) The couple must both attend and take with them the originals of all the documents and papers which they will have been told are necessary. The Surrogate will have been copied in to the e-mail so will know what to expect and won't proceed unless all original documents are produced. They will also need to take the fee, unless it has already been paid directly to Eddowes Waldron.
- 16) Either the bride or the groom will swear an Affidavit (a document which they will sign and the contents of which they will swear, on the Bible, are true) in the presence of the Surrogate and of the other party to the marriage. This confirms the basis on which they have a right to be married in the chosen church.
- 17) The Surrogate will check the original documents against the copies which s/he will already have received from the Registry and will sign each copy to certify that it is a true copy of the original.

- 18) The sworn Affidavit and the certified copies need to be sent by post or hand-delivered to Eddowes Waldron, 12 St Peter's Churchyard, Derby DE1 1TZ. If time is tight, hand-delivery during office hours is strongly recommended.
- 19) The contents of the Affidavit and the certified documents will be checked and, if all is in order, the Licence will be prepared. In practice, we should at least be able to have the Licence ready in draft because we'll have seen copies of all the documents which will be taken to the Surrogate. It may well be that we can receive the paperwork and ask the couple to go away for an hour or so, before coming back to collect it. **There is no guarantee, however, that this can be done in every case.**
- 20) If the Licence is handed to the couple, they will need to take it to the priest who is to marry them as soon as possible. The priest will have no authority to conduct the marriage until the original Licence is in his/her possession. If it is not collected, it will be posted.
- 21) The entry on the marriage certificate will say that the marriage has taken place 'by Common Licence' rather than 'after banns'.
- 22) **If the QC has not been fully completed:** this may cause problems if, for example, the couple has not been able to complete a period of six months' habitual worship. There is a discussion under way about whether this can be relaxed, but no definite decision has yet been made. The assumption must, therefore, be that six months is still the required time. The other two alternatives set out at 5) above may be available, plus an additional CL route.
- 23) The Marriage Act 1949 allows a CL to be issued if one of the couple lives in the parish for at least 15 days immediately before swearing the Affidavit. If this might be useful, please contact Natalie. Evidence of that residency will be required.
- 24) Civil **Superintendent Registrar's Certificate (SRC):** there are two points to make about this:
 - a. The SRC procedure which is presently required when one party to the marriage is a foreign national is **not available** when both parties are British or EEA (including Swiss) Nationals.
 - b. Seven days' residency in the parish can lead to a SRC but:
 - i. It is discretionary and the priest is not obliged to accept this preliminary and
 - ii. Even if it is accepted, there will be a 28 day notice period at the civil Registry.
- 25) An Archbishops' **Special Licence**, issued through the Faculty Office in London: this is appropriate when there is no alternative. The Faculty Office has a discretion whether to grant the Special Licence and expects some fairly strong link with the parish. The office covers the whole of England so may not be quick, but is very good in a real emergency, e.g. the imminent, likely death of one of the parties. The phone number is: 020 7222 5381 and their e-mail address: faculty.office@1thesanctuary.com.

I hope the above enables you to work out what to do. Please contact Natalie, Amy or me if you have any queries and we'll do our best to help.

Nadine Waldron

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