

The Coronavirus and marriage in the Church of England - Guidance to clergy

On 17th March the Archbishops of Canterbury and York advised, in line with Government advice, that all public worship in the Church of England in person be paused until further notice. On the same day the Bench of Bishops of the Church in Wales advised that church services and gatherings for public worship should no longer take place, including regular Sunday services.

The Church of England guidance states that weddings services can take place but subject to the rules and guidance on social distancing. Any wedding in a church would need to be on a very small scale. It notes that only five people need to be present at a marriage service: the couple and the clergyperson, plus two witnesses.

The following is advice of a general nature intended for clergy addressing some of the key issues. This note is considered to be correct as of 18th March 2020.

Q & As

The banns have been read and a date fixed for the wedding – whose decision is it to cancel or postpone the wedding?

Unless the government changes the law, the common law right of parishioners and those with a qualifying connection to be married in a parish church remains. However, the date, time and other arrangements are, legally speaking, for the minister to determine. It is for the minister, in consultation with the couple, to make a decision about how whether the marriage can take place during the Coronavirus outbreak. It would also be for the minister to prescribe any conditions if the wedding was to go ahead in his or her church, such as a limit on numbers to ensure social distancing.

Any cancellation, postponement or change to conditions of a wedding should be taken in consultation with the couple, mindful of couple to ensure that any decision to postpone the wedding does not cause unnecessary financial hardship to the couple if they cannot recover costs of other expenses such as for reception venues. The terms of existing wedding insurance should be checked to ascertain in what circumstances insurance will be available.

If the minister cancels the wedding, all fees paid to the Parochial Church Council should be refunded with the possible exception of the fee for the reading of the banns and for the banns certificate. If the Parochial Church Council have sub-contracted with other parties to provide other services, eg the purchase of flowers, and would suffer loss if the wedding were not to take place, this is a matter of the law of contract and separate advice should be taken.

The reading of the banns has not been completed – what can we do?

Banns are to be published on three Sundays preceding the marriage. There is no requirement that these should be three successive Sundays. Banns must be published at either the principal service or both the principal service and another service. If, following the guidance of the Archbishops of Canterbury and York, there is to be no public service accessible to the public and the reading of banns has not been finalised, then the couple will

need to obtain an alternative marriage preliminary if the wedding is to go ahead (see below). It is our view that banns cannot be read behind closed doors or where no members of the congregation are invited to attend, whether or not the service is to be “live-streamed” to a wider digital community.

Apart from the reading of banns, what are the other options?

Common licence - is the Bishop’s permission for a marriage to take place in a particular church. In order to qualify for the issue of a common licence one or both of the parties to the proposed marriage must:

- have resided in the parish where the marriage is to take place for at least 15 days immediately preceding the date when the affidavit for the Common Licence is sworn; or
- be on the church electoral roll; or
- one of the parties must be able to show a qualifying connection with the parish (Church of England Marriage Measure 2008).

Normally, if a couple would have been able to marry by banns, they would be eligible for a common licence. There are some exceptions (see “What about more complicated cases” below). To apply for a common licence, apply direct to a surrogate for marriages. A surrogate is a member of the clergy who has been specially appointed for this role. There are a number of surrogates appointed in parishes around the Diocese. Contact the Registry for a list. The Registrar can also issue common licences. Once the minister has referred the matter to surrogate there is a two stage process – 1. Application and 2. Meeting the surrogate in person to swear an affidavit that the couple’s details are correct.

Note that common licences are only valid for 3 months from the date of swearing the affidavit and would need to be re-applied for and the affidavit would need to be re-sworn if the wedding was to be postponed to a later date.

Superintendent registrar’s certificate – normally these are only used when one of the parties to the marriage is a non-UK/EEA foreign national. More information is available from the civil Register Office from which they are issued. At the time of writing the validity period is twelve months. There is a 28 day notice period (which can be increased to 70 days in the case of non-UK/EEA nationals) between the giving of Notice of Intended Marriage and the issue of the SRC. Therefore as the law presently stands, SRCs cannot be obtained at very short notice.

Special licences – are issued from the Archbishop of Canterbury’s Faculty Office. If the options above are not available and if all else fails, the Archbishop of Canterbury’s Faculty Office is able to grant a special licence for a marriage to take place at any convenient time or place in England or Wales. The issue of a special Licence is discretionary. Please make an early enquiry with the Faculty Office if you think a special licence will be needed. Although special licences are normally issued with a three month period of validity, in view of the Coronavirus the Faculty Office is now issuing licences with a one year validity period.

The banns have been read and the couple want to postpone the wedding – will their banns still be valid?

A marriage after banns must be solemnized within three calendar months from the last publication. After three months the publication of banns becomes void. The banns will either need to be re-read, or if that is not possible, another preliminary for the marriage – common or special licence or superintendent registrar's certificate (see above) will be needed.

What about more complicated cases?

More complicated cases will occur. For example, there are provisions which allow the Bishop to issue directions for the publication of banns and solemnisation of marriages where two or more benefices are held in plurality and where there are two or more parishes or parish churches in the area of a single benefice, to make it easier for banns and marriages to be moved within the same benefice or more than one benefice when held together by one minister in plurality. If a wedding taking place by virtue of the Bishop's directions in another parish in a "multi-parish benefice" than the parish with which the parties to the marriage have the legal qualification, and the banns cannot now be read, speak to the Registry about whether a common or special licence is the best solution to the problem.

Will the couple get their money back for costs paid out?

Separate advice will need to be taken for costs paid out or committed such as for wedding reception venues. If the minister cancels the wedding, the church costs which have already been paid to the Parochial Church Council should normally be refunded with the possible exception of fees for banns read. A conversation with the couple should occur prior to cancellation or postponement in order to fully appreciate the financial consequences and to ascertain the best way of proceeding which would cause the minimum financial loss.

What if the officiating minister or couple fall sick?

Arrangements should be made to ensure that there is a back-up Anglican member of the clergy with licence or permission to officiate in case the officiating minister is required to pull-out due to sickness. A lay person or a minister of another Christian church cannot officiate in the place of the Anglican member of the clergy. If the couple fall sick, serious consideration should be given to whether the wedding should proceed. That would be a matter to be risk-assessed in view of all the relevant information at the time.

Diocesan Registry

1 The Sanctuary

Westminster

London

18th March 2020