

Association of  
Diocesan  
Registry Clerks  
Conference  
in York

Marriage Registration  
4 October 2019

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Marriage Law  
– Current  
Legislation

- The Canons (esp. Canons B30 to B36)
- Marriage Act 1949 (as amended)
- Marriage (Housebound & Detained Persons) Act 1986
- Marriage (Prohibited Degrees of Relationship) Act 1986
- Gender Recognition Act 2004
- Civil Partnership Act 2004
- Church of England Marriage Measure 2008
- Church of England Marriage (Amendment) Measure 2012
- Marriage (Same Sex Couples) Act 2013
- Immigration Act 2014
- The Registration of Marriage Regulations 2015

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Marriage Law  
– New  
Legislation

- Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019
  - The Act received Royal Assent on 26 March 2019 and came into force on 26 May 2019
  - The Act:
    - makes provision about the registration of marriage
    - makes provision for the extension of civil partnerships to couples not of the same sex;
    - makes provision for a report on the registration of pregnancy loss;
    - makes provision about the investigation of still-births;
    - and for connected purposes.

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## Marriage Law – New Legislation

- The proposed Registration of Marriage Regulations 2019/2020?
  - Have yet to be finalised and laid before Parliament
  - When they are laid, it will be on the Affirmative Regulations procedure:
    - The relevant Minister may make an order in the terms of the draft regulations (allowing for any non-material drafting changes) only if, after 40 days of the order being laid before Parliament, the draft order has been approved by a resolution of each House of Parliament

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## Why the changes?

- The Bishop of St Albans, sponsored a Registration of Marriage Bill through the House of Lords to allow the parties' mothers to be named as well fathers on the Marriage Certificate to correct what he described as:
  - "a clear and historic injustice"; and
  - "an archaic practice and unchanged since Victorian times, when children were seen as a father's property and little consideration was given to a mother's role in raising them"
- The Bill also provided for the creation of electronic marriage registers in place of hand-written registers

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## Why the changes?

- In R (on the application of Steinfeld and Keidan) v Secretary of State [2018] UKSC 32, the UK Supreme Court held that:
  - Following the making of the Marriage (Same Sex Couples) Act 2013 (and not repealing the Civil Partnerships Act 2004) there was inequality of treatment of same-sex and opposite-sex couples in breach of article 14 (the prohibition on discrimination) together with article 8 (the right to respect for private life) of the European Convention on Human Rights (ECHR) – Judgment dated 27 June 2018

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### What's changing?

- Marriage Registers will be withdrawn
- Marriage Certificates will no longer be issued by the Clergy
- A Marriage Document will replace Marriage Registers for the CofE / CinW after an ecclesiastical preliminary
- (A Marriage Schedule will be issued for marriages after a civil preliminary)
  - The Marriage Document (or Schedule) will be signed by the couple, two witnesses and the officiating priest (in the same way that the Registers are currently)

### What's changing?

- The Marriage Document / Schedule will need to be lodged at the Registry Office on the Registration District where the marriage took place within 21 days of the wedding
  - The couple are responsible for ensuring this happens but the task can be delegated to someone else
- The details will be added to a central digital Marriage Register and a Marriage Certificate issued by the Superintendent Registrar

### Draft Marriage Document

MARRIAGE DOCUMENT	
(Section 1 of the Marriage Act 1949)	
1. Marriage document issued by _____ (paragon)	
2. The parish of _____ is the _____	
3. Date and place of marriage	
4. Names and residences	
5. Date of birth	
6. Residence	
7. Residence at time of marriage	
8. Signature of officiating minister, witnesses, and couple	
9. Signature of both parties	
10. Signature of witnesses	
11. Married in the _____ according to the rites and ceremonies of the _____ in or after _____	

THIS DOCUMENT IS NOT A MARRIAGE CERTIFICATE AND MUST BE DELIVERED TO THE REGISTRY OFFICE IN THE DISTRICT WHERE THE MARRIAGE TOOK PLACE WITHIN 21 DAYS OF THE MARRIAGE.

## Marriage Document

- **Interim arrangements:**
  - Clergy to be supplied with blank Marriage Document stock; and/or
  - Access to a 'type & print' template
  - Clergy will need to record a serial number for reconciliation purposes
  - Reconciliation will be quarterly with the Local Registration Services (LRS) sending clergy a list of marriages that have been registered
  - LRS will follow-up any discrepancies with the clergy and/or the couple

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## Marriage Document

- **In the longer term:**
  - Introduction of an online system
  - LRS will know when a marriage was due to take place
  - If the Marriage Document has not been lodged, emails will be sent to the couple reminding them and giving a further period
  - If the couple fail to lodge the Marriage Document this will be an offence and criminal penalties (probably fines) will apply
  - Quarterly returns will go and clergy will only be contacted by the LRS with any discrepancies

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## What else is changing?

- **Introduction of a new Church Marriage Register**
  - A new register book is likely to be introduced by the CoE (the CinW may or may not follow suit) similar to the current Baptism/ Confirmation/ Burial Register books
  - Format yet to be decided but is likely to contain all the information required by the Marriage Document
  - NOTE: Marriage Certificates will NOT be issued from the Church Marriage Register — they will be solely for church records
  - A new Parochial Records and Registers Measure (or an amendment to the existing Parochial Records and Registers Measure 1978 (possibly by another Miscellaneous Provisions Measure)) will be required to formalise this

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### What's NOT changing?

- Marriage Preliminaries
  - The new legislation does not affect the ecclesiastical marriage preliminaries - Banns, Common Licences, or Archbishop of Canterbury's Special Licences
  - BUT Superintendent Registrars Certificates will be replaced by a Marriage Schedule although the application process will remain the same
  - [NOTE however: The Law Commission have announced a review of Marriage Law in England & Wales which will look at, *inter alia*, where marriages may take place (venue/outside etc) and marriage preliminaries (including whether there should be a universal civil preliminary for all marriages)]

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### What's NOT changing?

- Qualifying Connections etc
- The status of the Clergy (Clerk in Holy Orders) as regard marriages
- The Marriage Service
  - Although 'signing of the registers' will become 'signing the Marriage Document/Schedule'

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### When is it changing?

- Original intended date:
  - December 2019
  - That is now very unlikely
- CoE / CinW preferred date:
  - when the full online process is ready to go live (probably in late 2020 / early 2021)
- Current most likely timescale:
  - before Easter 2020




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### Training and resources

- General Register Office (GRO) have committed to providing training for clergy which will be arranged through Diocesan Registrars / CMD Officers in conjunction with the Local Registration Service (LRS)
- The GRO Guidance for the Clergy will detail the information to be inserted into the Marriage Document
- [www.gov.uk/government/publications/guidance-for-the-clergy](http://www.gov.uk/government/publications/guidance-for-the-clergy)
- A 24hr GRO helpline will be in place
- LRS will be available to provide support throughout the training period and beyond

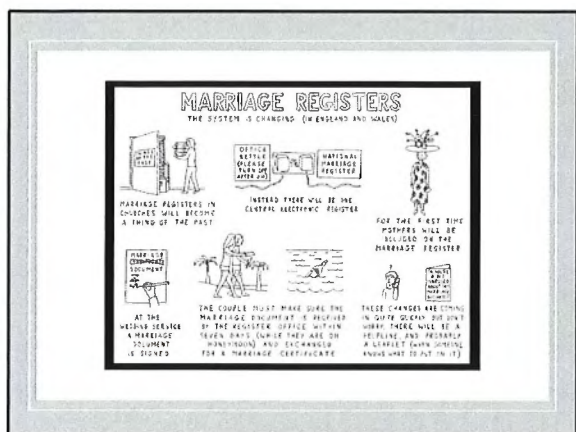
### In Summary

- Changes will allow mothers' names to be included on a marriage certificate for the first time since marriage registration was introduced to England & Wales in 1837
- Changes the point at which a marriage is registered BUT NOT the point at which the couple are legally married
- Creates a single centralised searchable digital marriage register

### In Summary

- Brings the process of marriage registration into line with the registration of births and deaths
- Replicates the system of marriage registration that has been in place in Scotland since marriage registration started there in 1855
- In the longer-term it will remove some of the administrative burden on the clergy






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### A personal view♦♦

- The intended changes to the information on the Marriage Register are excellent and long overdue
- The new system of Marriage Registration will, in the long-term, be very good
- Rushing the changes through in too-short a timescale is a recipe for chaos
- The desire of the Government/GRO to link the changes to the information contained in the Marriage Register to the introduction of the new system of registration is unnecessary and could readily and easily be disentangled
- Introducing the new system of registration before the required electronic / online process for creating the Marriage Document is in place is just plain daft!



♦♦ These are personal views and do not represent the views of the Faculty Office or the GRO.

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### Any Questions?

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