

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

On 17th March 2020 the Archbishops of Canterbury and York advised, in line with Government advice, that all public worship in the Church of England including regular Sunday and weekday services be paused until further notice. The Church of England guidance states that wedding services can take place but subject to the rules and guidance on social distancing. Any wedding in a church would therefore need to be on a very small scale. Only five people legally need to be present at a marriage service: the couple and the clergy person, plus two witnesses. The guidance to churches in the Diocese of Exeter is that no more than 4 additional persons should be present in the Church during the wedding service, thereby making a maximum total of 9 persons in the Church.

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.

Frequently Asked Questions

The bans 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 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 limiting the numbers in attendance (as above) and to ensure social distancing. This is especially important in small churches.

Any cancellation, postponement or change to conditions of a wedding should be taken in consultation with the couple, mindful 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 by the couple to ascertain in what circumstances insurance will be available to them.

If the minister cancels the wedding it is recommended that all fees paid to the Parochial Church Council should be refunded, with the possible exception of the fee for the reading of the bans and for the bans 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, then 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. Since public services cannot currently be held the reading of banns cannot take place and so those that have been commenced but not completed will be invalid and 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, to a limited number of people 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.

The reading of the banns has not commenced – what needs to be done?

The couple need to decide if they still wish to continue with the wedding notwithstanding the restrictions. If they do then the alternative marriage preliminaries will need to be used. It is recommended that the fee for the reading of banns be returned to the couple.

Banns have been read and completed in the church where the wedding is to take place but have not been finalised in the parish where the couple live – what then?

Again if the wedding is still proceeding then the couple will have to use the alternative preliminaries and this is because it is impossible to validate the reading of the banns process due to the lack of public services.

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 below) will be needed.

What are the alternative marriage preliminary options?

1) Common licence – this is the Bishop’s permission for a marriage to take place in a particular church. In order to qualify for to have 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, then they would be eligible for a common licence.

To apply for a common licence, you should advise the couple to apply direct to the Diocesan Registry either by phone or email (see the contact details below). The couple will be required to complete a Welcome Form and return it to the Registry and then arrangements will be made for the Registrar (or a surrogate if necessary) to meet with the couple in person to swear an affidavit that their details are correct. Once the affidavit is sworn then the Registrar will provide the signed and sealed licence and this will need to be handed to the priest who is conducting the wedding. This is authority for the wedding to proceed in the church subject to whatever restrictions and conditions may be appropriate to protect public health.

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 re-sworn if the wedding was to be postponed to a later date.

Consideration needs to be given to whether it is sensible for the process to be commenced in a situation where the wedding is being postponed, or if the wedding is more than two months away, as at the present time we do not know what further precautions the Government may need to impose on the general population.

2) Superintendent registrar's certificate – these are normally 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.

3) 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 and there must be good cause as to why a Licence is required. 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.

What about more complicated cases?

More complicated cases will occur, so please make contact with us to discuss the issues and we can then guide you through what is required.

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

Separate advice will need to be taken by the couple about costs paid out or committed by them, such as for wedding reception venues. If the minister cancels the wedding, then it is recommended that where possible church costs which have already been paid to the Parochial Church Council should be refunded, with the possible exception of fees for banns if they have already been 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 but ensure the safety of all.

In some cases it may be necessary for the clergy person who is conducting the wedding to provide written confirmation of a cancellation or postponement. It is acceptable to provide such a letter but it is advisable to refer to the national guidance on the postponement of church services on the Church of England website and the guidance that is being given by the Government in regards to ensuring the safety of parishioners at this time. If you require assistance with such a letter then please contact the Registry.

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. Please bear in mind that those with Permission to Officiate who are 70 or over will not be available at the present time to officiate due to government guidance for them to self isolate.

What if you think that a guest attending the wedding service is ill or showing signs of coronavirus?

You should follow national government guidance and ask that they do not attend the church and if necessary immediately call off the service in order to protect everyone present.

It is hoped that this guidance will cover most situations that you are likely to come across, but if further information is required then please contact the Registry on 01392 210700 and ask for the Registry Clerk Nathalie Cook or the Registrar Alison Stock or email us at registry@stephens-scown.co.uk

Exeter Diocesan Registry

Curzon House

Southernhay West

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