

Marriage after banns for British, Irish or Relevant Nationals Only

From 1 July 2021 only British, Irish or those foreign nationals who have EU Settled or Pre-Settled Status (referencing "*EU exit separation agreements*") are classed as '*relevant nationals*' under the EU Settlement Scheme (EUSS). Therefore, if both members of the couple are relevant nationals, they may be married by banns, assuming the live in England or Wales.

Notice and details required before proceeding

Couples should give clergy at least seven days' notice in writing before the first publication of their banns, giving the full names of the persons to be married, their address(es), the length of time that they have lived in the parish and evidence that both persons are British or Irish or 'relevant nationals' with EU Settled or Pre-settled Status (*see separate note about checking identity*).

Where the right to marry is based on a qualifying connection (*see separate note as to what constitutes a qualifying connection*) (rather than current residence or enrolment on the church electoral roll) clergy should ask the couple to provide information to demonstrate that at least one of them has a qualifying connection entitling them to be married in the church concerned. If a worshipping qualifying connection is being established, banns can only be read once this legal qualifying connection has been achieved. Timing is, therefore, critical.

Form of Wording

There is a prescribed form of words that must be used for reading banns:

(a) The form set out in the rubric to the Form of Solemnisation of Matrimony in the *Book of Common Prayer* has the force of law (see the first paragraph at this link: https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/book-common-prayer/form-solemnization-matrimony).

(b) There is now also statutory authority for the modernised version in the rubric to the *Common Worship* Marriage Service (see Note 2 to the Marriage Service at this link: https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/common-worship/marriage#mm099) .

Where they should be read

If a marriage is to take place after banns in the church of a parish in which neither, or only one, of the parties resides or has a church electoral roll qualification or a qualifying connection under the Marriage Measure 2008 (*see separate note as to what constitutes a qualifying connection*), then

banns must be called both in the church in which the marriage is to take place and in the churches of each of the parishes in which the parties actually reside. For couples who are having difficulty locating their parish church, please direct them to the website '*A Church Near You*' (www.achurchnearyou.com) where they can enter their postcode to locate their parish church.

How often and which service

Banns are to be published on three Sundays preceding the solemnisation of the marriage, during the principal service which should be the service at which 'the greatest number of persons who habitually attend public worship are likely to attend'. Banns do **not** need to be read on three **consecutive** Sundays.

In addition, banns may be read again on the same day if there is a pastoral reason for doing so (for example, if the couple concerned do not attend the 'principal service' but attend an evening service). But if banns are read twice on the same day, that still only constitutes 'one time of asking', and they will need to be read on two other Sundays.

Validity Period

Banns are valid for three months from the last time of reading (or the completion of publication). If the marriage is not solemnised within the three month period, the banns will be void and the marriage must not proceed without further authority, such as additional publication of banns or under the authority of a Common Licence.

By whom may they be published

Banns of marriage are usually published by a clergyperson, however, it is possible for banns to be published at morning prayer or evening prayer by a lay person where no member of the clergy officiates at the service at which it is usual to publish banns. Where this happens the lay person signs the banns book as the officiating minister, but the duty of entering the banns and of issuing certificates of publication remains with the incumbent.

Certificates of publication of Banns

Section 11(4) of the Marriage Act 1949 indicates that *only* the incumbent or minister in charge of a building, or a minister nominated for that reason by the Bishop, may issue and sign certificates of publication. This includes Area Deans during an interregnum.

Banns certificates are required for 'away' banns, i.e. from parishes where couples reside but are not marrying. This could mean two banns certificates are required if they both live in separate parishes and are marrying in a third. Banns certificates must be received before the wedding can proceed.

Register Book of Banns

Both section 7(3) of the Marriage Act 1949 and Canon F11.1 of the Canons of the Church of England state that the Parochial Church Council of a parish should provide a register book of banns for each church or chapel where marriages may be solemnized.

Avoiding Emergency Situations

Please note that we receive a high level of emergency Common Licence applications because banns have not been read in one or more parishes. To avoid this unnecessary and expensive intervention, we suggest clergy or parish administrators check with couples at the beginning of the three month period before the wedding, whether they have arranged the reading of their banns in their home parish(es) (and whether they are planning to move home in the intervening period) and reiterate that they cannot be legally married unless their banns have been read and the minister receives a banns certificate. It may also be helpful to let them know the fee for a Common Licence, which may be an added incentive. Please also see our separate comprehensive note.

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