

TO: ALL CLERGY IN THE DIOCESE OF ROCHESTER
FROM: THE DIOCESAN REGISTRAR
RE: MARRIAGE IN CHURCH – IMMIGRATION ACT 2014

The Government has recently enacted the *Immigration Act 2014*, which makes important amendments to the *Marriage Act 1949*. These changes in the law affect all marriages in church on or after 2 March 2015 and affect all clergy in the Diocese. Please read this note carefully. You may need to take urgent action.

Any person wishing to marry in church on or after 2 March 2015 will be legally required to provide evidence of their nationality to clergy before any decision can be made as to the correct form of preliminary. Only if **both** parties first produce 'specified evidence' that they are 'relevant nationals' will it be lawful for banns then to be published or an application made for a Common Licence.

A 'relevant national' is a British citizen or a national of a European Economic Area ('EEA') member state or of Switzerland. 'Specified evidence' will be set out in regulations, yet to be published.

From Monday 2 March 2015, it will be unlawful for the marriage of any person who is not a 'relevant national' to be solemnised in the Church of England after the publication of banns or by a Common Licence. From that date, the only normal form of preliminary for any marriage where either or both of the parties is not a 'relevant national' will be a superintendent registrar's certificate ('SRC'). (Although an Archbishop's Special Licence will continue to be available, such licences are granted only in very specific and exceptional circumstances)

Transitional arrangements provide the only exception. These apply where, on 2 March 2015, those who are not 'relevant nationals' (or those planning to marry a person who is not a 'relevant national') are already in the process of applying for a Common Licence. Surrogates have been provided with a form of special transitional application. A copy is enclosed with this note.

If you are aware of a forthcoming marriage in your parish involving a party who may not be a 'relevant national', it is imperative that you contact the couple as soon as possible to alert them to the fact that they need to take action quickly. They will need either

- (a) to obtain a Common Licence before 2 March (which will, as usual, be valid for the statutory period of three months from the date on which the Affidavit was sworn); or
- (b) to complete the transitional period application form, which must be **received by the Diocesan Registry before 5pm on Friday 27 February**. This will be the only option available in respect of a wedding planned for a date after 26 May 2015.

Otherwise, SRCs will be needed, which can take up to three months to obtain.

Unless a Common Licence is obtained, or a properly completed application form is received by the Registrar, by the above dates, a licence cannot issue to any person who is not a 'relevant national', whatever the merits of the application and whatever their immigration status.

An accompanying briefing note from the legal office at Church House, Westminster is enclosed. It includes a list of EEA countries. If you have questions arising out of this note, please contact your local Surrogate or the Diocesan Registry for advice (registry@wslaw.co.uk or 020 7593 5110).

Owen Carew-Jones, Diocesan Registrar
16.01.15