

Marriage (Wales) Bill [HL]

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TO

Enable persons to be married in a place of worship in a parish in the Church in Wales with which they have a qualifying connection; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Application of this Act

- (1) This Act applies only to parishes in the area subject to the Welsh Church Act 1914 and accordingly any reference to “a parish” is to a parish within that area.
- (2) In subsection (1), “the area subject to the Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act. 5

2 Marriages solemnized in churches, etc. in parishes with which a party has a qualifying connection

- (1) A person intending to be married shall have the like, but no greater, right to have the marriage solemnized in a parish church of a parish with which he or she has a connection specified in subsection (3) (in this Act referred to as a “qualifying connection”) as that person has to have the marriage solemnized in the parish church of the parish in which he or she resides or which is his or her usual place of worship. 10
- (2) Where a church or other building is licensed for the solemnisation of marriages under section 21(1) of the 1949 Act this section shall apply to such church or other building, while the designation is in force, as it applies to a parish church. 15
- (3) For the purposes of this section a person has a qualifying connection with a parish in which the marriage is to be solemnized if—
 - (a) that person was baptised in that parish (unless the baptism took place in a combined rite which included baptism and confirmation) or is a person whose confirmation has been entered in the register book of confirmation for any church or chapel in that parish; 20

- (b) that person has at any time had his or her usual place of residence in that parish for a period of not less than six months;
- (c) that person has at any time habitually attended public worship in that parish for a period of not less than six months;
- (d) a parent of that person has during the lifetime of that person had his or her usual place of residence in that parish for a period of not less than six months or habitually attended public worship in that parish for that period; or 5
- (e) a parent or grandparent of that person has been married in that parish.
- (4) For the purpose of subsection (3)(d) or (e) “parent” includes an adoptive parent and any other person who has undertaken the care and upbringing of the person seeking to establish a qualifying connection and “grandparent” shall be construed accordingly. 10
- (5) A person who has the right to have a marriage solemnized in accordance with subsection (1) shall have the like right to have the banns of that marriage published in the parish church where the marriage is to be solemnized. 15
- (6) The right to have banns published conferred by subsection (5) is additional to and not in substitution for the requirements of section 6 of the 1949 Act for banns to be published in the parish church of the parish where the parties to the marriage reside or of each parish in which one of them resides. 20
- (7) Where a marriage is intended to be solemnized in accordance with subsection (1) following the publication of banns by virtue of subsection (5) subsections 11(2) and (4) of the 1949 Act shall apply as those subsections apply to a marriage of which the banns have been published in a parish or district in which neither of the persons to be married resides by virtue of section 6(4) of the 1949 Act. 25
- (8) Subject to subsection (9), a person who wishes to have his or her marriage solemnized in accordance with subsection (1) shall provide such information, written or otherwise, as the minister of the parish in which the marriage is to be solemnized may require in order to satisfy himself or herself that that person has a qualifying connection, and – 30
- (a) section 8 of the 1949 Act shall apply as if the reference in that section to a clergyman were a reference to the minister; and
- (b) the minister shall be under a duty, when considering whether any information provided to him or her is sufficient to satisfy himself or herself under this subsection that the person wishing to have the marriage solemnized has a qualifying connection, to have regard to any guidance issued under section 4. 35
- (9) If the minister considers that it is necessary to do so, in order to satisfy himself or herself that a person has a qualifying connection, he or she may require that person to supply or support any information required to be provided under subsection (8) by means of a statutory declaration. 40
- (10) Where a public chapel is licensed by a bishop for the publication of banns and the solemnization of marriages under section 20 of the 1949 Act, this section shall apply as if that chapel were a parish church of the parish or of any parish the whole or part of which is within the district specified in the licence. 45
- (11) In this section –
- “church” does not include a cathedral;
- “minister” means –

- (a) where a special cure of souls has been assigned to any priest for the area in which the church where the marriage is to be solemnized is situated, whether in a Rectorial Benefice or otherwise, that priest; or
- (b) where paragraph (a) does not apply, the incumbent of the benefice in the area of which that church is situated; or 5
- (c) where neither of the above paragraphs apply, the priest in charge of that benefice; or
- (d) where none of the above paragraphs apply, in the case of a Rectorial Benefice, the vicar who has held office for the longest period in that Benefice; or 10
- (e) where none of the above paragraphs apply, the area dean of the deanery in which that church is situated;
- “parish” includes a conventional district; and
- any reference to baptism, confirmation, marriage or public worship shall be construed as a reference to baptism, confirmation, marriage or public worship, as the case may be, according to the rites of the Church in Wales. 15
- (12) Where a parish has ceased to exist or the boundaries thereof have been altered and a person who wishes to have his or her marriage solemnized in accordance with subsection (1) can establish a qualifying connection with a place situated within such a parish then, if that place is, at the time when the notice under section 8 of the 1949 Act is delivered, situated within the parish in which the church where the marriage is to be solemnized is situated, that person shall be deemed to have a qualifying connection with that parish. 20 25
- (13) In relation to the establishment of a qualifying connection under subsection (3)(a) by virtue of confirmation the references in subsection (12) to a place shall be construed as a reference to the church or other place of worship in whose register the confirmation was entered.
- 3 Marriage by common licence 30**
- (1) Notwithstanding section 15 of the 1949 Act a common licence may be granted to a person for the solemnization of a marriage in any church or chapel in which that person may be married under section 2 of this Act, and section 16(1)(b) of the 1949 Act shall, where a common licence may be granted by virtue of this section, have effect as if it required one of the persons to be married to swear that one or both of those persons has a qualifying connection with a parish within the meaning of section 2(3) of this Act and to state the nature of that connection and section 2(8) of this Act shall apply as if the reference therein to the minister of the parish were a reference to the authority having power to grant the licence. 35 40
- (2) Where an application has been made for the grant of a common licence under subsection (1), section 2(12) shall have effect as if the reference to the date on which the notice required under section 8 of the 1949 Act is delivered were a reference to the date of the application for the grant of the common licence.
- 4 Guidance 45**
- The Order of Bishops may from time to time issue guidance as to the exercise of any functions by a minister under section 2(8) or (9) or by the authority

having power to grant a common licence under section 2(8) as applied by section 3.

5 Supplementary

- (1) In this Act “the 1949 Act” means the Marriage Act 1949 (c. 76) and, unless the context otherwise requires, expressions used in this Act have the same meaning as in the 1949 Act. 5
- (2) Where a marriage has been solemnized –
- (a) in accordance with section 2(1), or
 - (b) on the authority of a common licence granted by virtue of section 3,
- it shall not be necessary in support of the marriage to give any proof that either party had a qualifying connection with the parish in which the marriage was solemnized and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage. 10

6 Citation, commencement and extent

- (1) This Act may be cited as the Marriage (Wales) Act 2010. 15
- (2) This Act shall come into force on the day on which this Act is passed.
- (3) This Act extends to England and Wales only.

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To enable persons to be married in a place of worship in a parish in the Church in Wales with which they have a qualifying connection; and for connected purposes.

Lord Rowe-Beard

Ordered to be Printed, 19th November 2009

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LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

HL Bill 6

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