

GETTING MARRIED

DAVID HODSON

1. INTRODUCTION

I am often contacted by clients about the requirements for getting married. A number of people from abroad decide to get married here and need to know the formal procedures. This Guide to weddings in England and Wales is based, with thanks, on information produced by the General Register Office. I recommend their website at www.gro.gov.uk/gro/content/marriages which contains very helpful information. I have added some extra information. This note does not cover civil partnerships - such information is fully available elsewhere

If you wish to marry in England or Wales, you may do so either by civil or religious ceremony.

A civil ceremony can take place in a register office or any other place approved by the local authority. This includes a hotel, stately home or other building. A change in the law in 1995 dramatically extended the places where a marriage can take place.

A religious ceremony can take place at a Church or Chapel of the Church of England or Church in Wales or at any other place of worship which has been formally registered by the Registrar General for marriages.

2. WHO DO I CONTACT TO MAKE THE ARRANGEMENTS?

This will depend on the type of ceremony and where you wish to marry.

a) Civil Ceremony

A civil ceremony is at a Register Office or other building approved by the local authority for civil marriage. You should first contact the Superintendent Registrar of the district where you wish to marry. You may marry at any Register Office or any approved premises of your choice in England or Wales. However, for a marriage in an approved premises, you will also need to make arrangements at the venue in question and give a formal notice of your marriage to the Superintendent Registrar of the district(s) where you live.

The telephone number of the local Register Office and Superintendent Registrar can be found in the phone book or on their website.

From 1 February 2005, if you or the person you wish to marry are subject to immigration control, you will only be able to give your notices of marriage at a specially designated register office which you must attend together. There are 76 designated register offices in England and Wales.

b) Church of England or Church in Wales

If you wish to be married in the Church of England or Church of Wales - and generally you will be able to do so only if you or your fiancé(e) live in the parish - you should first speak to the Vicar. If he agrees to marry you, he will arrange for the Banns to be called on three Sundays before the day of your ceremony or for a common licence to be issued. The marriage will be registered by the Vicar and there is generally no need to involve the local Superintendent Registrar.

c) Other places of religious worship

If you wish to marry by a religious ceremony apart from the Church of England or Church of Wales, you

should first arrange to see the minister or other person in charge of marriages at the building. However, the church or religious building in question must normally be in the registration district where you or your fiancé(e) live. It will also be necessary to give formal notice of your marriage to the Superintendent Registrar of the district(s) where you live. A Registrar from the area where the marriage is to take place may also need to be booked.

Please note that for a religious marriage, other than in the Church of England, civil preliminaries must be completed. Please follow the guidance given in this note under civil ceremony marriages

3. IMMIGRATION CONTROL

From 1 February 2005 if you are subject to immigration control you will not be able to give a notice of marriage unless:

(a) you have an entry clearance granted expressly for the purpose of marriage in the UK. Entry clearance is the granting of permission to enter the UK by an Entry Clearance Officer in the British Embassy/High Commission in the person's country. It will usually be shown as a visa in the person's passport or travel document. OR

(b) you have the written permission of the Secretary of State to marry in the UK - this will take the form of a certificate of approval which can be obtained from the Immigration and Nationality Department. This will usually only be issued where the person has been granted leave to enter or remain for over six months from the date on which they entered the UK and that leave is still in force. The certificate of approval will have to be surrendered to the superintendent registrar when notice is given. OR

(c) you fall within a class of persons specified by the Secretary of State. This will be someone with settled status in the UK.

Further information about obtaining a certificate of approval and on the class of persons who will be exempt from these provisions is available from the Immigration and Nationality Directorate, part of the Home Office.

British citizens, EEA and foreign nationals can continue to give notice in their district of residence if they:

- have been given the right of abode in the UK
- are members of visiting forces from NATO and Commonwealth countries
- are diplomats that are not subject to immigration control

Registration officers have a statutory duty to report any marriage they suspect has been arranged for the sole purpose of evading statutory immigration controls.

4. GIVING NOTICE

You and/or your fiancé(e) must attend personally at the Register Office for the district(s) where you live and give a notice of your marriage to the Superintendent Registrar.

Notice of marriage is then displayed on the notice board of the register office for a period of 15 days. This states

- name and surname
- age
- condition

- address
- occupation
- nationality
- intended marriage venue

After giving notice, you must then wait fifteen clear days before the marriage can take place - for example, if notice is given on 1 July, the ceremony can take place on or after 17 July. Once given, your notice is valid for 12 months.

5. HOW FAR IN ADVANCE MAY I MAKE A BOOKING?

A notice of marriage is valid for twelve months. You may therefore not give notice of marriage to the Superintendent Registrar more than twelve months before the date of your intended marriage. However you may be able to make an advance (provisional) booking with the Superintendent Registrar of the district where you wish to marry. The Superintendent Registrar will be able to give you more precise information in this respect.

6. DOCUMENTS YOU MAY NEED TO PRODUCE TO THE SUPERINTENDENT REGISTRAR OR THE VICAR

You will need to show the Superintendent Registrar documentary evidence of your name, age and nationality – ideally in the form of your passport. You will also be asked to provide evidence of your address.

If you have been married before or have entered in to a civil partnership, you must produce a decree absolute of divorce or dissolution of the civil partnership bearing the court's original stamp. Copies are not accepted. I can obtain a certified copy for you or it is possible to obtain direct from the London Family Court. If the divorce was abroad, you will again have to produce the original divorce order with a certified translation if appropriate. However leave extra time as the Superintendent Registrar may have to check its validity and that it is recognised in England and Wales. I can advise on recognition of marriages and divorces.

You cannot marry if already married – that is bigamy. But you also cannot marry if still in a registered civil partnership.

If your husband or wife has died, you should produce a certificate of their death.

Other documents may also be needed depending on the circumstances, for example, the consent of parents or guardians to a marriage where one of the couple is under the age of 18.

If you are subject to immigration control, you will also need to produce documentary evidence to the superintendent registrar to confirm that you satisfy the new eligibility requirements introduced in February 2005.

When you give notice in Wales, you may do it in either English, or in English and Welsh. If notice is to be given bilingually, both the person giving notice and the registrar you see must be able to understand the Welsh language. All local authorities in Wales have at least one Welsh speaking registrar or deputy.

If you are not able to provide any of the above documents, the Superintendent Registrar will explain what other documents may be acceptable.

7. RESIDENCY REQUIREMENTS

You can get married in England and Wales as long as you have both lived in a registration district for at least seven days immediately before giving notice of marriage. This applies to all couples, including those travelling from overseas to marry in England and Wales - except where one person gives notice under the Marriage of British Subjects (Facilities) Acts 1915 and 1916. These acts allow British or Commonwealth citizens resident in one of the countries signed up to the acts to give their notice of marriage where they are living, provided the other person is resident here. See the country list on the website of the Register Office.

As long as one person is resident in England and Wales, then the other person may also give notice of marriage in Scotland.

Provided the person they intend to marry is resident in England and Wales, officers, seamen or marines on board one of Her Majesty's ships at sea can give notice to the captain or other officer commanding the ship,

8. WHERE YOU CAN MARRY IN A CIVIL MARRIAGE CEREMONY

A civil marriage ceremony can take place in any register office in England or Wales, or at any venue that has been approved to hold a civil marriage. Approved Premises include stately homes and other prestigious buildings, hotels and restaurants.

To search for a location that has been approved by the local authorities or to find out how to purchase a hard copy in booklet form, see the website referred to above

You cannot incorporate any religious content into a civil marriage ceremony, but you may be able to arrange to have individual touches such as non-religious music and/or readings, and for the wedding to be videoed. The Superintendent Registrar at the register office for the district in which you intend to marry will be able to tell you more about the options available.

9. HOW MUCH DOES IT COST TO GET MARRIED?

Cost of giving notice in advance of a ceremony either at a register office, Approved Premises or in a religious building other than in the Church of England or Church in Wales: £30.00 per person

Cost of register office ceremony: £40.00

Cost of a ceremony on Approved Premises - the cost for attendance by the superintendent registrar and registrar is set by the local authority in question. A further charge is likely to be made by the owners of the building for the use of the premises.

Cost of religious ceremony in the Church of England or Church in Wales – please check fees with the vicar of the church in which you are planning to marry.

Cost of religious ceremony at a building other than Church of England or Church in Wales - unless the building has an Authorised Person - there will be a £47.00 fee for the registrar and there may be further fees charged by the trustees of the building and the person who performs the ceremony.

Cost of marriage certificate: £3.50

Please check up to date fees

10. IMPORTANT INFORMATION

Your marriage cannot go ahead unless the legal formalities have been completed.

The minimum legal age for getting married in England and Wales is 16 years of age but written consent may be required for anyone under 18.

Notice of marriage must be given in person to the Superintendent Registrar by you or your fiancé(e). No one else can do so on your behalf.

Where an advance booking for a marriage has been made, it is essential that a formal notice is given to the Superintendent Registrar once you are legally able to do so.

On the day of the wedding you will need to bring with you at least two other people who are prepared to witness the marriage and sign the marriage register.

11. REQUIREMENTS FOR A VALID MARRIAGE

In addition to the ceremonial requirements, the law of marriage in England and Wales has some basic requirements that must be adhered to. Failure to do so can mean that your marriage will not be recognised as having ever existed. If any of the following are likely to be an issue, please contact the Superintendent Registrar and if a continuing problem, I can advise in specific cases. Each couple must be for example:

- A man and a woman. If either you or your fiancé(e) have had a sex change or are of a different gender than shown on your birth certificate, seek more guidance.
- At least 16 years old. If you are under 18 you officially need your parents' consent, but your marriage will still be recognised as valid without it.
- Not related by blood, or in some cases, by marriage. The law forbids marrying certain close members of your family such as your parents, grandparents, child, grand child, uncle, aunt, nephew or niece.
- Not presently married or in a civil partnership. English law will not allow you to be married in England and Wales to more than one person at any one time.

In other cases the law may recognise that the marriage existed. However, it may still be fundamentally defective and the marriage may be terminated by either of you without having to divorce. Contact me if this is a concern. This applies for example if you can show that:

- your spouse has purposely refused to consummate the marriage.
- you did not consent to the marriage because you have been forced into the marriage against your will, or because you have made a mistake as to the identity of the person you have married.
- at the time of the marriage ceremony, you were mentally ill and did not understand that you were getting married.
- at the time of the marriage your spouse was suffering from a sexually transmitted disease or your wife was already pregnant by another man.

12. PRE MARRIAGE AGREEMENTS

Some couples enter into these agreements which seek to provide what would happen on a divorce. Although not binding on an English court which may totally ignore it if for instance it is very unfair or entered into under duress, it can provide evidence of the intention of the parties at the time of the marriage. However many still regard them as unromantic, as they contemplate a marriage failing at the very time when one is getting married in complete love and expectation of a lifelong relationship.

They may be beneficial and appropriate for some couples. If you are thinking about such an agreement please contact me. Please see my Fact Sheet on pre marriage agreements

13. WILLS

Getting married automatically ends any Will you have made, unless it was specifically in contemplation of this marriage. I advise all my clients to review this aspect of their financial arrangements on getting married. If you do not already have a solicitor, I recommend a specialist practice, Cockburns (www.cockburns.co.uk 01483 452848) who can advise on making a will.

14. PRE MARRIAGE TRAINING

Even though you may have known your fiancé(e) for some time, or even lived together, getting married is fundamentally different. It brings new and often greater joys and happinesses. It can also bring, for some, different expectations and demands. Financial arrangements are often changed. It invariably brings about greater commitments. I recommend informal short courses that are run on pre-marriage preparation and which a number of people have found very helpful. I can put you in touch with those run in your area.

15. CONCLUSION

This note is issued for general guidance and is not a complete statement of the law. For further information on any aspect of the formalities to, or the ceremony of marriage, please seek the advice of the Superintendent Registrar at the local Register Office or help via their excellent website, above. Alternatively contact me.

I hope you have a great and really memorable wedding day. Oddly you may think, coming from a family lawyer, I truly wish you a very happy and lifelong marriage.

David Hodson
Panorama
Guildown Road
Guildford
Surrey
England
+44 (0) 7973 890648
www.davidhodson.com
□ March 2007