

MARRIAGES – UPDATE BRIEFING

Marriage of European Economic Area Nationals - Post 29 March 2019

As you will be aware, the United Kingdom is due to leave the European Union on 29 March 2019. A number of clergy and parish administrators have been in touch to find out what the situation will be post 'Brexit' and we have recently received guidance from the Home Office in this regard.

No immediate change

We understand the Home Office is not intending to make changes to the way European Economic Area and Swiss (EEA) nationals are able to marry in the UK immediately post Brexit. This means all EEA nationals can continue to be married by Banns or Common Licence for at least the remainder of 2019, assuming the couple have a legal link to the parish or church, either under the Marriage Act 1949 (residence in the parish or membership of the Electoral Roll of the church) or the Marriage Measures 2008 and 2012 (by way of qualifying connection).

Consultation

Before making any changes to marriage preliminaries for EEA nationals, the Home Office will consult all 'interested parties' which includes the Church of England. Such consultation will consider whether transitional provisions are required.

Potential Timetable

The Home Office has indicated that marriages of EEA nationals can continue to take place by Banns and Common Licences for the whole of 2019 and "early next year". At this stage, no *assurances* can be given for arrangements in 2020. EEA nationals requesting a wedding next year should be advised that it may not be legally possible for them to be married by Banns or Common Licence.

Non-EEA nationals

Brexit does not affect marriages involving non-European Economic Area (non-EEA) nationals. As you are no doubt aware, all non-EEA nationals need to be married by Superintendent Registrar's Certificates. Please see the Guidance posted on the Faculty Office's website here: <http://www.facultyoffice.org.uk/special-licences/general-information-about-marriage-law/preliminaries-to-marriagebanns-and-common-marriage-licences/>

Going Forward

We will keep you updated as soon as we receive further information regarding the timetable of proposed changes so please continue to check the Diocesan, Registry and Faculty Office's websites: www.elydiocese.org
www.elydiocesanregistry.org
<http://www.facultyoffice.org.uk/special-licences/marriage-law-news/>.

The content of this note has been kindly provided by Sara Leader of Winckworth Sherwood and the Oxford Diocesan Registry. We are grateful for their permission to share it with you.