



LEICESTER DIOCESAN REGISTRY

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Guidance note: changes to marriage law following Brexit

Only relevant nationals can marry by banns or Common Licence.

Following Brexit, The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 have amended the Marriage Act 1949 so far as it relates to the definition of a 'relevant national'.

This is important if you are asked to marry a couple where one or both of them are EEA or Swiss nationals.

The key date to remember is **01 July 2021**.

1. The pre-Brexit position

Before Brexit, a relevant national meant a British citizen or an (other) EEA state national or a Swiss national. This remains the position until 30 June 2021.

2. The post-Brexit position

On and after 01 July 2021, a relevant national will mean:

- (a) a British citizen;
- (b) an Irish citizen; or
- (c) a person who has EU Settlement Scheme settled status, or a pending application for settled status; or
- (d) a person who has EU Settlement Scheme pre-settled status, or a pending application for pre-settled status (if they had been in the UK <5years).

3. Implications

This means that after 01 July 2021 you cannot marry by banns or Common Licence anyone who is not a British or Irish citizen or who does not have settled or pre-settled status, unless the transitional provisions apply.

Instead, the options for the couple are to marry by Superintendent Registrar's Certificate (as with other foreign nationals), or in limited cases, an Archbishop's Special Licence.

4. Transitional provisions

If the banns or where applicable, the common licence process, have been started on or before 30 June 2021, then they can continue.

In more detail, that means that if before 01 July 2021 both of the couple would be relevant nationals under the definition in 1 above but after 01 July 2021, one of them will not be a relevant national under the definition in 2 above, they can still be married:

(a) **by banns**, if either:

- i banns have already been called at least once one Sunday before 1 July;

NB This means the latest date that the first reading can take place is Sunday 27 June 2021

or

- ii the couple have:

- given you written notice that they want their banns called, with their full names and address(es) and how long they have lived at their address(es);

NB This would usually mean that they have filled in one of your usual banns forms

and

- provided evidence of their nationality

NB This would usually mean they have shown you their passports

on or before 30 June 2021.

(b) **by common licence** if:

- i their licence has been granted before 01 July 2021 and is still valid; or
- ii their application for a common licence together with supporting ID documentation has been received by the Registry on or before 30 June 2021.

5. What do I need to check going forward?

If one or both of couple say that they have settled status, you must check this on the Government website: <https://www.gov.uk/check-immigration-status>

You will need the person whose status you are checking to:

- (a) send you a 'share code' – this is created when that person gives you permission to view their status from their online status portal (see: <https://www.gov.uk/view-prove-immigration-status>); and

- (b) tell you their date of birth.

Once you have inputted this information into the government webpage, you should see the person's photo, name and their status.

NB 1 A non-EEA citizen can be granted Settled Status if they are a family member of an EEA citizen.

NB 2 EEA citizens travelling to the UK to marry need a mandatory marriage visitor visa issued through the British embassy in the country where they normally reside before coming to the UK

If you have any questions, please contact registry@stoneking.co.uk

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Leicester Diocesan Registry March 2021