

Ecumenical Marriage Bill [HL] HL Bill 21 of 2017–19

Summary

The [Ecumenical Marriage Bill \[HL\]](#) is a private member's bill introduced by Lord Deben (Conservative). The Bill received its first reading in the House of Lords on 27 June 2017 and is scheduled to have its second reading on 23 February 2018. The Bill would allow for the solemnisation of marriages in Church of England chapels according to the rites and ceremonies of other Christian denominations. Setting out the purpose of the Bill, Lord Deben explained:

The Church of England is ecumenically generous in allowing its churches to be used by other denominations. Methodist Ministers, Catholic priests, and accredited ministers of other denominations can be given permission by the Parochial Church Council, the Vicar, and the Bishop to conduct services including funerals and the Mass. The one service they cannot conduct is a marriage. That's because of an unintended effect of the wording of Parliament's Marriage Act 1949. This Bill allows the Church of England to add marriage to the services it can permit. It will still be for them to make that decision and all this Bill does is to remove the unintended legal barrier.¹

Background

The law on marriages in England and Wales is largely based on the authorisation of premises, which the Law Commission has referred to as a buildings based system.² The Marriage Act 1949 as amended requires that marriages must take place either in a register office, approved premises or in an officially registered place of religious worship.³ Section 5 of the 1949 Act specifies that Church of England marriages are solemnised "according to the rites of the Church of England".⁴ Lord Deben's private member's bill would therefore change an area of the law that is currently governed by Ecclesiastical Law. Canon Law states that a Church of England church can only be used for Church of England ceremonies, including ceremonies for the solemnisation of marriages.⁵

Some exceptions to this can be made under Canon Law. The Church of England may grant permission for a minister of another Christian church to assist in the solemnisation of a marriage.⁶ However, certain aspects of the ceremony must be performed by the Church of England minister. Guidance published by the Church of England outlines the roles that each minister would perform:

The Church of England minister who solemnizes the marriage must establish the absence of impediment, direct the exchange of vows, declare the existence of the marriage, say the final blessing, and sign the registers. A minister invited to assist may say all or part of the opening address, lead the declarations of intent, supervise the exchange of rings, and join in the blessing of the marriage. He or she may also read a lesson and lead all or part of the prayers.⁷

The Church of England has said:

We see no need for Lord Deben's Bill, and believe that the current arrangements give sufficient pastoral flexibility for weddings which are conducted in Anglican churches and chapels, involving

people of different denominations.⁸

Parliament and Church of England Law

Over the last 100 years, Parliament has tended not to introduce legislation that affects the internal affairs of the Church of England unless that legislation was proposed by the Church itself. Ministers have referred to a constitutional convention whereby Parliament does not legislate on internal Church matters without the Church's consent.⁹ For example, a recent Bill affecting the Church of England directly, the Lords Spiritual (Women) Bill, was introduced during the 2014–15 session following the request of the Church of England.¹⁰

The Church of England has also argued that a constitutional convention exists:

[It] remains possible for primary legislation concerning the Church of England to be made by Act of Parliament, however in practice this has happened only very rarely since the enactment of the Church of England Assembly (Powers) Act 1919 [...], and there is a constitutional convention that Parliament does not legislate for the internal affairs of the Church of England without its consent.¹¹

Under the Church of England Assembly (Powers) Act 1919, Parliament has a role scrutinising legislation which relates to the administration and organisation of the Church of England. However, this legislation originates from the General Synod rather than from Parliament. The Church of England General Synod has the power to pass a form of primary legislation referred to as Measures. These are considered in draft by the Ecclesiastical Committee, made up of 15 MPs and 15 Members of the House of Lords.¹²

Further Information

- Law Commission, [Getting Married: A Scoping Paper](#), 17 December 2015
- House of Commons Library, [Marriage Venues](#), 12 June 2017
- Church of England, '[Marriage](#)', accessed 22 January 2018
- UK Parliament website, '[Parliamentary Scrutiny of Church Measures](#)', accessed 25 January 2018

¹ Text supplied by Lord Deben on request from the Library.

² Law Commission, [Getting Married: A Scoping Paper](#), 17 December 2015.

³ Ministry of Justice, [Marriages by Non-Religious Belief Organisations](#), 2014, p 7.

⁴ Marriage Act 1949, s 5.

⁵ Church of England, [Canons of the Church of England](#), 29 July 2016, 7th edition, section B1.

⁶ *ibid*, sections B43–4.

⁷ Church of England, '[Marriage](#)', accessed 22 January 2018.

⁸ Tim Wyatt, '[Synod: Bill Seeks Ecumenical Marriages](#)', *Church Times*, 14 July 2017.

⁹ *HL Hansard*, 19 July 2005, cols GC192–3; and 13 June 2006, cols 126–8.

¹⁰ House of Lords Library, [Lords Spiritual \(Women\) Bill \(HL Bill 87 of 2014–15\)](#), 3 February 2015.

¹¹ Church of England, '[Church of England Legislation](#)', accessed 17 September 2017.

¹² UK Parliament website, '[Parliamentary Scrutiny of Church Measures](#)', accessed 25 January 2018. Further information is provided in the House of Lords Library Briefing, [House of Lords: Lords Spiritual](#) (4 September 2017, p 12).

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