

Research Briefing

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Getting married: Residence requirements



Summary

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Summary

Marriage in England and Wales

Any couple wishing to marry in England and Wales must observe certain preliminaries, which include residence requirements.

Civil marriage

For civil weddings, both parties must give notice in person in the registration district where they have lived for [at least seven days immediately before giving notice of marriage](#). They will need to give notice separately if they live in different registration districts. The residence requirement applies to all couples (with some limited exceptions), including those travelling from overseas to marry in England and Wales.

For most marriages, the couple must give notice [at least 29 days before their wedding](#).

Having satisfied the residence requirements for giving notice, the couple may then get married at any register office or [approved venue](#) of their choice in England and Wales without having to set up residence in that district.

Marriage of foreign nationals

[If one party is from outside the UK](#), both parties must give notice together at a register office in the district where at least one of them lives, unless they both have one of the following:

- British or Irish citizenship
- settled or pre-settled status under the EU Settlement Scheme
- an application to the EU Settlement Scheme made before 30 June 2021, on which a decision is awaited.

The notice period may sometimes be extended from the usual period of 28 days to 70 days under the [sham marriage referral and investigation scheme](#) (PDF).

Marriage in the Church of England or Church in Wales

Generally, a couple may marry in the parish church of a parish where one or both of them are resident or where one or both of them can show a [“qualifying connection”](#).

If a couple have a legal entitlement to marry in a parish and wish to marry in the parish church, the usual preliminary requirement for the wedding is the [publication of banns](#) (an announcement that the couple intend to marry). Banns are read on three Sundays in the parish where each of party lives and in the church (if different) where the marriage is to take place. A marriage after the calling of banns must be solemnized [within three months of the last occasion on which banns were called](#).

A person with a genuine connection with a particular church or chapel (such as the chapel of a school or college), but who is unable to satisfy the legal requirement to marry there, may be able, with the agreement of the minister of that church, to apply for an [Archbishop of Canterbury's Special Marriage Licence](#).

A [Common Licence](#) gives permission for a marriage to take place in a particular church where there is already a legally recognised connection. It may be needed if, among other things, one or both of the parties are British but live abroad, or live in the UK but their home is not in England or Wales.

In most cases, a [Superintendent Registrar's marriage schedule](#) is needed for marriage in the Church of England or Church in Wales if either party is not a national of the UK or Ireland and does not hold Settled or Pre-Settled Status under the EU Settlement Scheme.

Other religious marriages

Generally, other forms of religious marriage must be preceded by the civil notice preliminaries and the same residence requirements apply as for civil marriage.

For marriage in a [registered place of worship](#), at least one of the couple must have been resident for seven days prior to giving notice in the registration district in which the building is situated, unless:

- the registered building is the usual place of worship of one or both of them, or
- the couple declare that they wish to be married according to the rites of a particular religious group, to which at least one of them belongs, and that there is no registered building belonging to that group within their registration district. In this case the wedding may take place in the nearest registration district to have a registered building belonging to that religious group.

Law Commission recommendations for reform

In July 2022 the [Law Commission published a report](#) (PDF) that set out recommendations to reform weddings law. The Commission considers the

seven-day residence requirement before giving notice [should be abolished](#) (PDF). Instead, the [Commission recommends](#) (PDF) it should be possible to give notice online or in person at any registration district, and that any person giving notice online should be required to attend a separate in-person interview at least five days before the marriage schedule is issued. The marriage schedule authorises the wedding and is used to register the marriage.

The Law Commission considers the ability to give initial notice online would be [particularly convenient for some couples](#) (PDF) and would make it easier for couples who live overseas to marry in England and Wales.

Anglican preliminaries (for example, banns) would be retained for Anglican weddings with [some recommended reforms](#).

Some intended marriages would still be referred to the Secretary of State to determine whether the marriage should be investigated as a potential sham, in which case the waiting period could still be extended to 70 days.

In September 2023, the Government said it was considering the Law Commission's recommendations and [would respond in due course](#).

Marriage in Scotland

There are [no general residence requirements for marriage in Scotland](#).

1 Civil marriage

1.1 Residence requirement for notice of marriage

For civil marriage, the couple must give notice in person in the registration district where they have lived for at least seven days immediately before giving notice of marriage.¹ They will need to give notice separately if they live in different registration districts.

The residence requirements apply to all couples, including those travelling from overseas to marry in England and Wales, with some exceptions:

- a person who is resident in Scotland may give notice of the marriage in Scotland, provided the person they intend to marry is resident in England and Wales;²
- those in the Naval service on board one of His Majesty's ships at sea can give notice to the captain or other officer commanding the ship, provided the person they intend to marry is resident in England and Wales.³

Having satisfied the residence requirements for giving notice, the couple may then get married at any register office or approved venue of their choice in England and Wales without having to set up residence in that district.

The marriage must take place within one year from the date on which notice is given.

Another Library briefing provides information on where a marriage may take place in England and Wales: [Marriage venues](#).⁴

GOV.UK, [Marriages and civil partnerships in England and Wales](#), provides information about the legal requirements for marriage in England and Wales.⁵

¹ [Marriage Act 1949 s27](#)

² [Marriage Act 1949, section 37](#)

³ [Marriage Act 1949, section 39](#). See also section 2.2 of this briefing for information about the foreign nationals giving notice.

⁴ CBP-02842

⁵ Gov.UK, [Marriages and civil partnerships in the UK](#) (accessed 11 October 2023)

1.2 Notice period

For most marriages the couple must give notice at least 29 days before their wedding.⁶

The notice period may sometimes be extended to 70 days (see the next section of this briefing).

In exceptional circumstances, the notice period may be reduced. For those who are seriously ill and not likely to recover, a marriage can take place under a Registrar General's Licence without the usual waiting period.⁷

⁶ GOV.UK, [Marriages and civil partnerships in England and Wales: Give notice](#) (accessed 11 October 2023). [Marriage Act 1949 s31](#)

⁷ [Marriage \(Registrar General's Licence\) Act 1970](#)

2 Marriage of foreign nationals

2.1 Visa requirement

Anyone wishing to come to the UK to give notice, get married or form a civil partnership, must apply for a visa unless:

- they are a British or Irish citizen
- they have indefinite leave to remain in the UK
- they have settled or pre-settled status under the EU Settlement Scheme
- they applied to the EU Settlement Scheme on or before 30 June 2021
- they are already in the UK on a visa that lasts longer than 6 months.⁸

A person who is already in the UK on a visa that lasts longer than 6 months, might need to tell the Home Office if they marry or form a civil partnership.⁹

[GOV.UK, Marriages and civil partnerships in England and Wales, If you or your partner are from outside the UK or Ireland](#) provides information about the type of visa or permit which will be required, depending on the couple's circumstances.

2.2 Notice of marriage

If a party is from outside the UK, both parties must give notice together at a register office in the district where at least one of them lives, unless they both have one of the following:

- British or Irish citizenship
- settled or pre-settled status under the EU Settlement Scheme

⁸ GOV.UK, [Marriages and civil partnerships in England and Wales, If you or your partner are from outside the UK or Ireland](#) (accessed 11 October 2023)

⁹ As above

- an application to the EU Settlement Scheme made before 30 June 2021, on which a decision is awaited.¹⁰

The notice period may sometimes be extended from 28 days to 70 days under the sham marriage referral and investigation scheme. Home Office guidance for immigration staff, [Marriage investigations](#) (PDF), provides further information.¹¹

¹⁰ GOV.UK, [Marriages and civil partnerships in England and Wales, Give notice](#) (accessed 11 October 2023)

¹¹ Home Office, [Marriage investigations](#) (PDF), 22 June 2023

3 Religious marriage

3.1 Marriage in the Church of England

Generally, a couple may marry in the parish church of a parish where one or both of them are resident or where one or both of them can show a “qualifying connection”:¹²

You can marry in a Church of England church if you can show that one of you:

- has at any time lived in the parish for a period of at least 6 months, or
- was baptised (christened) in the parish concerned, or
- is confirmed and your confirmation was entered in the register of confirmations for a church or chapel in the parish (this will usually be the case if you were prepared for confirmation in the parish), or
- has at any time regularly gone to normal church services in the parish church for a period of at least 6 months

or

That one of your parents, at any time after you were born:

- has lived in the parish for a period of at least 6 months, or
- has regularly gone to normal church services in the parish church for a period of at least 6 months

or

That one of your parents or grandparents:

- was married in the parish.¹³

If a couple has a legal entitlement to marry in a parish and wish to marry in the parish church, the usual preliminary requirement for the wedding is the publication of banns. The Church of England explains what this means:

- Banns are an announcement in church of your intention to marry and a chance for anyone to put forward a reason why the marriage may not lawfully take place.

¹² [Church of England Marriage Measure 2008](#)

¹³ Church of England, Your Church Wedding, [Find a church](#) (accessed 11 October 2023)

- (...)
- Banns need to be read in the parish where each of you lives as well as the church in which you are to be married, if that is somewhere else.
- You must have your banns read out in church for three Sundays during the three months before the wedding. This is usually done over three consecutive Sundays but does not have to be.¹⁴

A parish priest is not under a legal duty to marry a divorced person whose former spouse is still alive, although some might be willing to take such a marriage.¹⁵ In addition, it is not legally possible for same sex couples to marry in the Church of England.¹⁶

Special marriage licence

A person with a genuine connection with a particular church or chapel (such as the chapel of a school or college), but who is unable to satisfy the legal requirement to marry there, may apply to the Faculty Office for an Archbishop of Canterbury's Special Marriage Licence.¹⁷ Anyone applying must have the support and permission of the person or body responsible for the church or chapel.

A special licence is a dispensation given by the Archbishop and is not issued automatically.

The Faculty Office website sets out when a special licence will, and will not, be needed: [Do I need a Special Marriage Licence?](#), and how to proceed: [What is the process?](#).

The Church of England [Your Church Wedding website](#) notes that it is relatively rare to require a Special Licence.¹⁸ As of 11 October 2023, the fee for this is around £325.¹⁹

Common licence

A Common Licence, which replaces the need for banns, is a permission for a marriage to take place in a particular church. It is granted at the discretion of the church legal official to whom the application is made and so it is not necessarily a guaranteed route to marrying in a particular church.²⁰

¹⁴ Church of England, Your Church wedding, [Reading of banns](#) (accessed 11 October 2023)

¹⁵ Church of England, [Marriage in church after divorce](#) (PDF), 2003

¹⁶ Church of England, Your Church wedding, [Information for same sex couples](#) (accessed 11 October 2023)

¹⁷ The Faculty Office, Special Marriage Licence, [Do I need a Special Marriage Licence?](#) (accessed 11 October 2023)

¹⁸ Church of England, Your Church Wedding, [Special Licences](#) (accessed 11 October 2023)

¹⁹ As above

²⁰ Church of England, Your Church wedding, [Common Licences](#) (accessed 11 October 2023)

A Common Licence might be recommended for someone who already has a legally recognised connection to the church where the marriage is due to take place but there is not enough time for banns.²¹

A person's residence may be relevant:

...a Common Licence is needed when one or more of these situations applies to you:-

Your wedding date is too soon to allow enough time for banns to be read.

One or both of you are British but live abroad.

One or both of you live in the UK but your home is not in England or Wales.

Your home address is likely to change during the time when banns would normally be read out.²²

Common Licences can only be granted for a marriage to take place in a particular church and are only valid for three months. As of 11 October 2023, the fee for a Common Licence is around £200.²³

Evidence of nationality is required for banns or for a Common Marriage Licence.²⁴

Marriage by Superintendent Registrar's Certificate

A Superintendent Registrar of a civil register office may issue a marriage schedule to permit a marriage to take place in an Anglican church.²⁵ This will usually be needed if either party is not a national of the UK or Ireland and does not hold Settled or Pre-Settled Status under the EU Settlement Scheme. The [Faculty Office](#) provides further information:

Since 2nd March 2015, the marriage of non-European nationals in the Church of England has had to take place by Superintendent Registrar's Marriage Schedule. From 1st July 2021 this requirement has been extended to all non-UK/Irish Nationals or other overseas nationals who hold Settled or Pre-Settled Status under the post-Brexit EU Settlement Scheme (the only exceptions to this are in cases where a Special Marriage Licence is instead required, or where the EU exit 'transitional arrangements' apply to a particular couple who have previously given Notice for the calling of Banns or applied for a Common Marriage Licence.)

The marriage of non-UK/Irish Nationals or non-Settled/Pre-Settled Status holders in the Church of England by Superintendent Registrar's Marriage Schedule will now be allowed in any situation where previously the publication of banns could have been the legal preliminary for the marriage. Principally

²¹ As above

²² As above

²³ As above

²⁴ The Faculty Office, Special Marriage Licence, [Marriage Law Information](#). (accessed 11 October 2023)

²⁵ The marriage schedule is a document issued by the registration service as part of civil preliminaries, which authorises the couple's wedding and is used to register their marriage

this includes cases where the bride and/or groom has a ‘qualifying connection’ under the 2008 Marriage Measure to the parish. (This is not the case for UK/Irish nationals or those with (Pre-)Settled Status; the Superintendent Registrar’s Marriage Schedule procedure will still only be available to them in the more limited circumstances explained above. It will remain rare for the marriage of UK/Irish nationals to take place in the Church of England by Superintendent Registrar’s Marriage Schedule.)²⁶

The notice period is 28 days after which, if no impediments are shown, a Superintendent Registrar’s marriage schedule can be issued. However, as for civil marriage, the notice period may be extended to 70 days (the referral and investigation process):

For couples where one or both of the parties is a non-UK/Irish national **with limited immigration status or not here legally**, the civil registrars will be required to refer their marriage notice to the Home Office for potential investigation as to whether the proposed marriage is a sham. To allow time for the investigation, the Home Office may extend the notice period to 70 days. Those with indefinite leave to remain, or a marriage visitor or fiancé(e) visa will be exempt from this referral and investigation process.²⁷

3.2

Marriage in the Church in Wales

A person may get married in a church in a parish in the Church in Wales if they reside in that parish or the parish church is that person’s usual place of worship. In addition, the marriage may take place in a parish church of a parish with which the person has a “qualifying connection”.²⁸ The qualifying connection is defined in a similar way as in the [Church of England Marriage Measure 2008](#).²⁹

As in the Church of England, the usual preliminary to getting married in the Church in Wales is the publication of banns. There are also circumstances in which some form of licence, such as a Common Licence or Special Licence, is more appropriate.³⁰

The wedding of a non-UK/Irish national, except those other overseas nationals who have either Settled Status or Pre-Settled Status under the EU Settlement Scheme, must take place after a marriage schedule has been issued by the civil Superintendent Registrar, unless a Special Marriage Licence has been granted.³¹

²⁶ The Faculty Office, Special Marriage Licence, [Marriage Law Information – Superintendent Registrar’s Marriage Schedule](#) (accessed 11 October 2023)

²⁷ As above

²⁸ The Church in Wales, [Legal requirements](#) (accessed 11 October 2023)

²⁹ See section 3.1 of this briefing

³⁰ The Church in Wales, [Legal requirements](#) (accessed 11 October 2023)

³¹ The Faculty Office, [Marriage Law Information, Introduction](#) (accessed 11 October 2023)

3.3

Other religious marriages

To be legally valid, a religious marriage (other than marriage according to the rites and ceremonies of the Church of England and the Church in Wales, and Jewish and Quaker marriage³²) must generally take place in a registered building. This means the building must have been certified for religious worship and registered for the purposes of marriage.³³ Any religious group can set its own requirements as to whose weddings it will conduct.

Generally, these marriages must be preceded by the civil notice preliminaries. In its [consultation on weddings law](#) (PDF), the Law Commission set out information about the residence requirements:

... the general rule is that at least one of the couple must have been resident in the registration district where the registered place of worship is situated for seven days prior to giving notice. If not, a certificate cannot be issued for the wedding to take place there.³⁴ There are two exceptions to this rule:

(1) if the registered building is the usual place of worship of one or both of them³⁵ or

(2) if the couple declare that they wish to be married according to the rites of a particular religious group, to which at least one of them belongs, and that there is no registered building belonging to that group within their registration district(s). In this case the wedding may take place in the nearest registration district to have a registered building belonging to that religious group.^{36 37}

³² Due mainly to historical reasons, couples marrying according to the rites and ceremonies of the Jews or Society of Friends (Quakers) may marry anywhere. [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020, paras 1.21-1.23 sets out information about the history of the law which has resulted in this being the case

³³ Further information is provided at GOV.UK, [Places of religious worship and the solemnisation of marriages](#) (accessed 11 October 2023)

³⁴ Footnote to quoted text: “Marriage Act 1949, s 34. The period of residence required is seven days prior to giving notice”

³⁵ Footnote to quoted text: “Marriage Act 1949, s 35(2). No specific evidence of this is required, and s48(1)(d) provides that it shall not be necessary to prove that the building was the usual place of worship of either”

³⁶ Footnote to quoted text: “Marriage Act 1949, s 35(1)”

³⁷ Law Commission, [Getting Married: A Consultation Paper on Weddings Law](#), Consultation Paper 247, September 2020, para 2.150

4 Law Commission recommendations for reform

Following consultation,³⁸ in July 2022 the Law Commission published a report that set out recommendations to reform weddings law.³⁹ It proposed a new scheme for weddings that would be “a fairer system that gives couples more choice over where and how their wedding takes place”.⁴⁰

The Law Commission considers the current requirement that each person should have been resident in England and Wales for seven days before giving notice makes it more difficult for some couples to marry in England and Wales, and prevents others from doing so altogether:

... this seven-day residency requirement poses an obstacle to couples resident overseas who wish to marry in England and Wales. These may be British nationals who are temporarily resident overseas for study or work, couples who have family or roots in England and Wales, or those who are attracted by the idea of marrying in a particular heritage location. The residency requirement may also pose a problem for those who regularly move between registration districts within England and Wales, for example those living on houseboats or in caravans.⁴¹

The Commission noted the origin of the residency requirement:

It should be noted that the seven-day residency requirement has nothing to do with establishing a person’s immigration status. It dates from the Marriage Act 1836 and seems to have been intended to ensure that civil preliminaries could not be any speedier than their Anglican equivalents.⁴² Even if this were a valid policy objective, the subsequent divergence between civil and Anglican preliminaries means that civil preliminaries now inevitably take longer than Anglican ones even without the seven day requirement.⁴³

³⁸ [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020

³⁹ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022

⁴⁰ Law Commission, [Weddings](#) (accessed 11 October 2023)

⁴¹ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022, para 3.37. See also [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020, paras 4.13-19

⁴² Footnote to quoted text: “Under the 1836 Act, notices were to be read out at three meetings of the Poor Law Guardians, matching the calling of banns on three Sundays. The seven-day residence requirement may have been intended to match the provision that Anglican clergy are not obliged to publish banns unless they have had seven days’ notice (see para 4.104 below), but (unlike the requirement of advance notice for banns) cannot be waived.

⁴³ [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020, para 4.18

The Law Commission recommends abolishing the seven-day residence requirement.⁴⁴ Instead, it recommends it should be possible to give notice online or in person at any registration district, and that any person giving notice online should be required to attend a separate in-person interview at least five days before the marriage schedule is issued.⁴⁵ The marriage schedule authorises the wedding and is used to register the marriage.

Anglican preliminaries (for example, banns) would be retained for Anglican weddings with some recommended reforms.⁴⁶

The Law Commission has summarised the intended benefits of its recommendations on this issue:

The ability to give initial notice online will be particularly convenient for some couples. It will enable people living overseas but planning to get married in England and Wales to begin the preliminaries process from home. A couple who live overseas will then be able to get married in England and Wales in a single, short trip, although they will need to be in England and Wales for a minimum of five days before their wedding. Making it easier for couples who live overseas to marry in England and Wales will assist British couples who live overseas and want to celebrate their weddings with friends and family at home. It will also make it possible for other couples to come to England and Wales for their wedding, just as they are already able to do in Scotland, to the benefit of the economy.⁴⁷

There would still be a 28-day waiting period during which notice of the wedding would be publicised online and would be available to access at registration offices (instead of just in the local register office). This would enable impediments to the marriage taking place to be identified and raised:

The publication of notices online will make it much easier for those who know of an impediment to discover an intended wedding. It also serves to emphasise that marriage is a public matter and the fact a couple intend to marry is something that is regulated by law.⁴⁸

It would be possible to apply to restrict online publication:

There will be those, however, for whom publication of their wedding would pose risks; for example, the risk of an attack by a violent ex-partner or a potential perpetrator of “honour”-based abuse. Therefore, a couple will be able to apply for exemption from their wedding being publicised online where online publication would put the couple, or a member of their household or family, at risk of harm.⁴⁹

⁴⁴ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022, para 3.47

⁴⁵ As above, paras 3.78 and 3.109.

⁴⁶ Law Commission, [Celebrating Marriage: A New Weddings Law Summary of Report](#) (PDF), July 2022, p19

⁴⁷ As above, p17

⁴⁸ As above, p18

⁴⁹ As above

Some intended marriages would still be referred to the Secretary of State to determine whether the marriage should be investigated as a potential sham, in which case the waiting period could be extended to 70 days.⁵⁰

In September 2023, the Government said it was considering the Law Commission's recommendations and would respond in due course.⁵¹

⁵⁰ See section 2.2 of this briefing. Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022, para 11.59 footnote 32

⁵¹ [PQ 198188 \[on Marriage\], 14 September 2023](#)

5

Marriage in Scotland

Citizens Advice Scotland provides general information about the legal requirements for [getting married in Scotland](#), noting that there are no residence requirements:

There are no residence requirements for someone wishing to marry in Scotland, therefore citizens of any country can marry in any district they choose, provided there is no legal impediment to the marriage (that is, it must not break the law).

District registrars must be notified and sent the relevant forms and documents. The marriage notice that must be completed by you and your partner can be sent abroad and returned by post. You do not need to be resident in Scotland during the waiting period between the giving of notice and the date on which the marriage can take place. However, if you are having a religious or belief ceremony, either you or your partner must collect the marriage schedule in person before the ceremony. Addresses of district registrars can be obtained from any district registrar or the Registrar General.⁵²

Citizens Advice Scotland also provides information about the [rules for people who are subject to immigration control](#) who wish to marry in Scotland.⁵³

Further information is available at:

- National Records of Scotland, [I Want to Get Married in Scotland. How Do I Go About It?](#)
- Mygov.scot, [Marriage in Scotland](#).⁵⁴

⁵² Citizens Advice Scotland, [Getting married](#) (accessed 11 October 2023)

⁵³ As above

⁵⁴ Both webpages accessed 11 October 2023

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