



BRIEFING PAPER

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Marriage: residence requirements

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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 to a marriage must generally have lived in a registration district for at least seven days immediately before giving notice of marriage.

Marriage in the Church of England or Church in Wales

For marriages in the Church of England, the residence requirements were amended on 1 October 2008 and for marriages in the Church in Wales the residence requirements were amended on 18 March 2010. Until the amendments took effect, a couple could generally marry only in the parish church of a parish where one or both of them were resident, or one or both of them had their names on the church electoral roll. However, the Church of England Marriage Measure 2008 (in relation to Church of England marriages) and the Marriage (Wales) Act 2010 (for Church in Wales marriages) now provide for a couple to have the same right to marry in the parish church of a parish with which one or both of them can show a “qualifying connection”.

A couple wishing to marry in another church which is not allowed for in the new legislation, may, with the agreement of the Minister of that church, apply for a Special Licence, which, if granted, allows a marriage to take place in any place without any residence requirement.

Non-Anglican Christian marriages and all 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.

Marriage of foreign nationals

Anyone from outside the EEA or Switzerland and subject to immigration control, and the person they intend to marry, must give notice of marriage at a designated register office. The notice period may be extended from 28 days to 70 days in certain circumstances. This process is called the referral and investigation scheme. This notice requirement and process applies to both civil and religious marriage and across the UK.

Marriage in Scotland

Section 3 of this paper provides brief information about the position in Scotland where notice of marriage must be given but there are no general residence requirements.

1. Civil marriage

1.1 Residence requirement for notice of marriage

A couple may marry in England and Wales only if they satisfy the relevant residence requirements. For civil marriages, this means that both parties must have lived in a registration district for at least seven days immediately before giving notice of marriage.

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

- 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 in England and Wales; a list of the relevant countries is set out on the [Gov.UK website](#);¹
- 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
- 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, 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.

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

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

Information about the legal requirements for marriage in England and Wales is available on the [Gov.UK website](#).⁵

1.2 Notice period

For most marriages the parties must give at least 28 full days' notice at their local register office before they can get married. The notice period was increased from 15 days with effect from 2 March 2015.⁶

¹ Gov.UK, [Marriages and civil partnerships in the UK, 2. What you need to do](#) [accessed 8 May 2017]

² [Marriage Act 1949, section 37](#)

³ [Marriage Act 1949, section 39](#)

⁴ Number 02842

⁵ Gov.UK, [Marriages and civil partnerships in the UK](#) [accessed 8 May 2017]

⁶ [Immigration Act 2014, Part 4](#)

In exceptional circumstances, the notice period may be reduced, including:

- Couples who had already made arrangements before 2 March 2015 to come to England or Wales to get married in one visit after that date (on the assumption that the notice period was 15 days), may apply at the time of giving notice to have the notice period reduced to 15 days. Evidence of the prior arrangements must be provided.⁷
- For those that are seriously ill and not likely to recover, a marriage can take place at very short notice under a Registrar General's Licence.⁸

⁷ [Regulation 9](#) of the [Registration of Marriages Regulations 2015](#) (SI 2015/207)

⁸ [Marriage \(Registrar General's Licence\) Act 1970](#)

2. Marriage of foreign nationals

2.1 Visa requirement

[Gov.UK](#) provides information about visa requirements for foreign nationals who wish to marry in the UK:

If either of you is from outside the European Economic Area (EEA) or Switzerland and subject to immigration control, you or your partner will need a visa to come to the UK to:

- give notice
- get married or form a civil partnership

This includes people who don't normally need visas for general visits (unless you're already in the UK).

(...)

Get a visa if you're outside the UK

The application process is different depending on your partner's circumstances.

If your partner is from the UK or settled in the UK

Apply for a [family of a settled person](#) visa (eg, as a fiancé, fiancée or proposed civil partner) if you intend to stay in the UK for more than 6 months.

Apply for a [Marriage or Civil Partnership Visitor visa](#) for a stay of less than 6 months.

If your partner is from the EEA (excluding UK) or Switzerland

If your partner is a [permanent UK resident](#) (ie has a 'document certifying permanent residence'), you can apply for a [family of a settled person](#) visa.

If your partner isn't a permanent UK resident, you can apply for an [EEA family permit](#) to accompany or join your partner in the UK. You'll usually have to prove that you and your partner have lived together in a relationship for at least 2 years.

If your partner is not from the UK, Switzerland or EEA, and not settled in the UK

Apply for a [Marriage or Civil Partnership Visitor visa](#). You'll have to leave the UK within 6 months.

Gov.UK states that there will be no change to the [rights and status of EU nationals living in the UK, nor UK nationals living in the EU](#), while the UK remains in the EU.⁹

2.2 Notice of marriage

Once in the UK, anyone from outside the EEA or Switzerland and subject to immigration control, and the person they intend to marry, must give notice of marriage at a designated register office. A list of the

⁹ Gov.UK, [Marriages and civil partnerships in the UK, 5. Foreign nationals](#) [accessed 8 May 2017]

76 register offices in England and Wales which are designated register offices is available on the [Gov.UK website](#).

It is possible to give notice only if both parties have lived in England and Wales for at least 7 days.

The notice period may be extended from 28 days to 70 days in certain circumstances. This process is called the referral and investigation scheme. [Gov.UK](#) provides further information:

Your notice period can be extended to 70 days if you or your partner:

- are from outside the EEA or Switzerland
- have limited or no immigration status in the UK
- don't give the registrar enough evidence to show you're settled in the UK

You'll be told within 28 days if your notice period will be extended.

The registrar will tell you if this applies to you and your proposed marriage or civil partnership will be referred to the Home Office. The Home Office may investigate to make sure your marriage or civil partnership is genuine.

You may be interviewed by the Home Office or asked for more information as part of the investigation. You must comply with the investigation or you won't be allowed to get married or form a civil partnership.

You must also tell the Home Office if you change your address during the notice period.¹⁰

3. Religious marriage

3.1 Marriage in the Church of England

The Church of England Marriage Measure 2008

Until 1 October 2008, a couple could generally marry only in the parish church of a parish where one or both of them were resident or one or both of them had their names on the church electoral roll. If a couple wished to marry anywhere else they generally had to apply for an Archbishop of Canterbury's Special Licence with the support of the Minister of the church where they wished to marry.

However, the [Church of England Marriage Measure 2008](#) now provides for a couple to have the same right to marry, without the need for a Special Licence, in the parish church of a parish with which one or both of them can show a "qualifying connection" of a specified kind.

The qualifying criteria are set out on the Church of England's [Your Church Wedding website](#):

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

And did you know that if you move house, you're immediately connected to the church there? That means you can marry in the church of your new parish.

In all cases involving church services – i.e. going to normal church services, baptism, confirmation or marriage – this applies only to Church of England services.

If you cannot demonstrate any of the above connections, you could create one, simply by attending your chosen church's usual services at least once a month for six consecutive months. If you decide to do this, leave enough time after your attendance for the

banns to be read before your wedding too – about another two months should be enough.¹¹

A parish priest, whether of the home parish or a parish where the person has a “qualifying connection”, is not under a legal duty to marry a divorced person whose former spouse is still alive.¹² In addition it is not legally possible for same sex couples to marry in the Church of England.

Special licence

If a couple wishes to marry in a particular place which is not allowed for in the 2008 Measure, they may, with the agreement of the Minister of that church, apply for a Special Licence. Special Licences are granted by the Archbishop of Canterbury acting through the Master of the Faculties and are issued only in exceptional circumstances.

The [Faculty Office website](#) describes a Special Licence as “a privilege and not a right” and sets out information about the conditions which must be satisfied before an application may be approved:

Special Licences enable a couple to marry in a church building for which they do not satisfy the usual residence test or ‘qualifying connection’, or for cathedrals where different rules apply. They are also used where the building itself is not authorised for marriages (in practice, a private chapel such as a school, college or university chapel). They are a privilege and not a right. This section explains the Archbishop’s usual requirements for applicants. There are special requirements for marriage in school, college and university chapels.

Applicants for a Special Licence should have a genuine and longstanding demonstrable link to the church building (and its congregation/worshipping community) where they wish to be married, which is sufficiently strong to justify the issue of a Licence. As part of this, applicants for a Special Licence will usually need to show a worshipping connection, over a period of time, with the church where they hope to marry.

If a couple does not satisfy these requirements but still feels there is good reason for being granted a special licence, the minister who is going to conduct the wedding should write to the Faculty Office, on behalf of the couple, explaining the circumstances. Special Licences do not issue on aesthetic or sentimental grounds or to facilitate pre-planned wedding receptions.¹³

The [Your Church Wedding website](#) notes that it is relatively rare to require a Special Licence.¹⁴

Common licence

A Common Licence, which dispenses with the necessity of the publication of 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.

¹¹ Your Church Wedding, [Finding a church](#) [accessed 8 May 2017]

¹² Church of England, [Divorce](#) [accessed 8 May 2017]

¹³ The Faculty Office, [Would I be eligible to get a Special Licence?](#) [accessed 8 May 2017]

¹⁴ Your Church Wedding, [Special Licences](#) [accessed 8 May 2017]

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A Common Licence may be needed if either of the couple reside overseas, or are a European (non-British) national, or if they have a genuine reason for needing to marry in church before the publishing of banns can be completed.¹⁵

The [Faculty Office website](#) provides information about residence requirements:

If a couple have any of the entitlements to marry in a parish church after banns then a Common Marriage Licence can be obtained on the same basis. For example, if the bride has a 'qualifying connection' to the parish, neither she nor the groom need also to be currently residing in the parish at the point of applying for the Licence.¹⁶

Part of the Common Licence application process requires the applicant to swear an oath in person (in England) before a legal official. The Church of England advises couples who live abroad to bear this in mind when planning a wedding in England.¹⁷

Marriage by Superintendent Registrar's Certificate

A Superintendent Registrar of a civil Register Office may issue a certificate to permit a marriage to take place in an Anglican church. Usually one of the parties must have the required seven days' residence within the registration district and within the parish where the marriage is to take place before applying for the certificate, or the church must be the usual place of worship of one or both of the parties.¹⁸

All marriages of nationals from countries outside the European Economic Area which take place in England must have a Superintendent Registrar's Certificate to go ahead.¹⁹ The only exceptions to this are if a Special Licence has already been granted or where the 'transitional arrangements' apply to a particular couple who have previously applied for a Common Marriage Licence.²⁰

The bride and groom must have been resident for seven days within a registration district in England or Wales before giving notice of the marriage to the Superintendent Registrar.

The notice period is 28 days after which the Superintendent Registrar's Certificate can be issued. However, as for civil marriage, the notice period may be extended to 70 days (the referral and investigation process). The Faculty Office website provides further information:

The marriage of non-European nationals in the Church of England by Superintendent Registrar's Certificate will now be allowed in any situation where previously the publication of banns could have been the legal preliminary for the marriage. Principally this

¹⁵ The Faculty Office, [Preliminaries to Marriage: Banns and Common Marriage Licences](#) [accessed 8 May 2017]

¹⁶ The Faculty Office, [Preliminaries to Marriage: Banns and Common Marriage Licences](#) [accessed 8 May 2017]

¹⁷ Your Church Wedding, [Common Licences](#) [accessed 8 May 2017]

¹⁸ The Faculty Office, [Preliminaries to Marriage: Superintendent Registrar's Certificates](#) [accessed 8 May 2017]

¹⁹ This has been a requirement since 2 March 2015

²⁰ The Faculty Office, [Preliminaries to Marriage: Superintendent Registrar's Certificates](#) [accessed 8 May 2017]

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 British/European nationals; the Superintendent Registrar's Certificate procedure will be available to them only in the more limited circumstances explained above. It will remain rare for the marriage of British/European nationals to take place in the Church of England by Superintendent Registrar's Certificate.)

For couples where one or both of the parties is a non-European 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.²¹

3.2 Marriage in the Church in Wales

The [Marriage \(Wales\) Act 2010](#) introduced provisions for the Church in Wales similar to those introduced for the Church of England by the Church of England Marriage Measure 2008.

A person may get married in a church in a parish in the Church in Wales if (s)he resides in that parish or the parish church is that person's usual place of worship. In addition, the Act enables the marriage to take place in a parish church of a parish with which the person has a "qualifying connection". The "qualifying connection" is defined in the same way as in the Church of England Marriage Measure 2008.

As in the Church of England, the normal preliminary to getting married in the Church in Wales is by banns. There are also circumstances in which some form of licence, such as a Common Licence or Special Licence, is more appropriate. More information is available on the [Church in Wales website](#).²²

Couples including a non-EEA national must complete civil preliminaries before marrying in the Church in Wales.²³

3.3 Other religious marriages

Generally, non-Anglican Christian marriages, and all other religious marriages, must be preceded by the civil notice preliminaries and the same residence requirements apply as for civil marriage.²⁴

²¹ The Faculty Office, [Preliminaries to Marriage: Superintendent Registrar's Certificates](#) [accessed 8 May 2017]

²² The Church in Wales, [Marriage](#) [accessed 8 May 2017]

²³ The Faculty Office, [General Information About Marriage in the Church of England](#) [accessed 8 May 2017]

²⁴ Gov.UK, [Marriages and civil partnerships in the UK 6. Religious ceremonies](#) [accessed 8 May 2017]

4. Marriage in Scotland

Citizens Advice Scotland provides general information about the legal requirements for [getting married in Scotland](#), including this information about 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, it is necessary for either you or your partner to collect the Marriage Schedule in person before the ceremony. Addresses of district registrars can be obtained from any district registrar or the Registrar General.²⁵

The same Citizens Advice Scotland webpage also provides information about giving notice of marriage and notice periods, visa requirements, and about the marriage of people who are subject to immigration control and wish to marry in Scotland.

Further information is available at:

- National Records of Scotland:
 - [I Want to Get Married in Scotland. How Do I Go About It?](#);
 - [Leaflet RM1 Marriage in Scotland](#);
 - [My partner and/or I are foreign nationals who do not live in the UK – can we get married in Scotland?](#);
- Gov.UK, [Marriages and civil partnerships in the UK, 5. Foreign nationals](#);
- Home Office, [Giving notice of marriage or civil partnership](#);
- Church of Scotland, [Frequently Asked Questions \(marriage\)](#).

²⁵ Citizens Advice Scotland, [Getting married](#) [accessed 8 May 2017]

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