



Marriage (Wales) Bill [HL]

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The *Marriage (Wales) Bill [HL]* was introduced in the House of Lords as a Private Member's Bill by Lord Rowe-Beedoe.

The Bill would widen the choice of parish church in the Church in Wales in which a couple might marry. Couples would be able to marry in a church with which they have a "qualifying connection". This would mean that a couple would be able to marry in a church, away from where they live, because it has special significance through family or other connections. This change has already been effected in the Church of England as a consequence of the *Church of England Marriage Measure 2008* which came into force on 1 October 2008.

The Bill has received cross party and cross denominational support. It completed its passage through the House of Lords on 26 January 2010 and was sent to the House of Commons. The Bill had its second reading in the House of Commons, without debate, on 5 February 2010 and was considered by a Public Bill Committee on 24 February 2010. Report stage in the House of Commons is due to take place on 12 March 2010.

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1 Introduction and background

1.1 The Church in Wales

The Church in Wales is separate from the Church of England which, so far as it extended to and existed in Wales and Monmouthshire, ceased to be established by law on 31 March 1920.¹ The Church in Wales is a member church of the Anglican Communion.

1.2 Marriage in the Church in Wales

The Church in Wales conducts marriage services in accordance with the *Marriage Act 1949*. The residency requirements for marriage in a church are summarised on the [Church in Wales website](#):

You have a right to be married in your local parish church.

- The law requires that at least one of those to be married should reside in the parish where the wedding is to take place.
- If you are under the age of eighteen, you must have your parents' consent to marry.
- There are special guidelines on church marriage if you have been divorced (see FAQ).

The normal preliminary to getting married in the Church in Wales is by banns, the procedure of notifying people of your intention to marry. There are circumstances in which some form of licence, such as a Common Licence or Special Licence, is more appropriate. Your vicar or rector will advise you about this. More information about the various legal preliminaries to marriage is available from the Faculty Office website.²

1.3 Marriage in the Church of England

Changes recently introduced in the Church of England have widened the choice of parish church in which couples may now marry. The [Church of England Marriage Measure 2008](#) (the Measure) came into force on 1 October 2008. Information about the Measure and about the Church of England's marriage law review, which preceded it, is available on the [Church of England's website](#).

The Church of England states that the Measure seeks to “respond to changing social conditions and in particular to the increasing mobility of our society today”.³ In particular, the Measure enables a couple to marry in a church, away from where they live, because it has special significance through family or other connections.

A couple continues to have the right to be married in the parish church of a parish where one or both of them are resident or entered on the electoral roll. However, it is now possible for a couple to marry in another church with which one (or both of them) has a “qualifying connection” which is defined as follows:

A person has a Qualifying Connection with a parish if:

that person:

¹ *Welsh Church Act 1914*, section 1

² At 16 February 2010

³ Church of England, [The Marriage Measure and Marriage Law Review](#) (at 16 February 2010)

- was baptised in the parish. (This does not apply where the baptism formed part of a combined service of baptism or confirmation); or
- had his or her confirmation entered in a church register book of a church or chapel in the parish; or
- has at any time had his or her usual place of residence in the parish for at least 6 months; or
- has at any time habitually attended public worship in the parish for at least 6 months;

or a Parent of that person has at any time during that person's lifetime:

- had his or her usual place of residence in the parish for at least 6 months; or
- habitually attended public worship in the parish for at least 6 months;

or a Parent or Grandparent of that person was married in the parish.⁴

The Measure does not affect marriages in the Church in Wales.

2 The Bill

The *Marriage (Wales) Bill [HL]* was introduced in the House of Lords as a Private Member's Bill by the crossbencher, Lord Rowe-Beddoe on 19 November 2009 as [HL Bill 6](#) of 2009-10. The Bill completed its passage through the House of Lords on 26 January 2010 and had its first reading in the House of Commons on 27 January 2010 as [Bill 59](#) of 2009-10.

The Bill has 6 clauses. It would introduce 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 would continue to have the right, as at present, to 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, Clause 2 would enable the marriage to take place in a parish church of a parish with which the person has a "qualifying connection". The "qualifying connection" would be defined in the same way as in the *Church of England Marriage Measure 2008*.

2.1 Second reading in the House of Lords

The Bill had its second reading in the House of Lords on 11 December 2009.⁵

Lord Rowe-Beddoe introduced the Bill and said that the Bill had "the full support of the Governing Body of the Church in Wales, whose official policy it therefore represents".⁶ He referred to the widening of the scope for entitlement to marry in a particular church in the Church of England as a consequence of the *Church of England Marriage Measure 2008*. He said that the Church in Wales also recognised that the population is now more mobile but that, on significant occasions, people are drawn back to places to which they have formed an attachment. Accordingly, the Bill would extend to the Church in Wales powers similar to

⁴ *Ibid*

⁵ [HL Deb 11 December 2009 cc1290-4](#)

⁶ [HL Deb 11 December 2009 c1290](#)

those included in the Measure “with only those amendments which are necessary for it to apply to the Church in Wales rather than the Church of England”.⁷

The Bishop of Salisbury spoke “to make abundantly clear that the Church of England offers nothing but the strongest support for the Bill” and stated that “nothing in the Bill is the slightest bit contentious”.⁸ He also spoke of potential practical difficulties which the Bill would address:

That is partly because there are places along the border between England and Wales where the national boundary and the ecclesial boundaries of dioceses are not exactly coterminous. We could have the extraordinary situation that somebody who lives in the Church in Wales by diocese and boundary finds themselves in an English county and subject to one set of rules, and somebody who lives in the diocese of Hereford, which we would normally count as part of the Church of England, in spite of the fact that there is a Hereford East and a Hereford West, would, if they lived on the other side of the boundary, find themselves subject to an entirely different set of rules. We know how important it is to have that kind of parity.⁹

The Bishop of Salisbury later commented on why it was necessary to have primary legislation to give effect to the desired change:

I think the reason is that the Marriage Act has always stood independently of any ecclesiastical disciplinary matters. Therefore, because it is the law of the land, even when the Church in Wales was disestablished, it could not control it.¹⁰

Lord Thomas of Gresford, the Liberal Democrat Spokesperson for Justice, congratulated Lord Rowe-Beddoe, on introducing the Bill.¹¹

Lord Henley, Opposition Spokesperson for Justice, also congratulated Lord Rowe-Beddoe on introducing the Bill and said “I have no intention of opposing it, and I do not believe that it is something that my party would want to oppose. We wish it good measure and God's speed and hope that it makes its way through the House”.¹²

Lord Bach, Parliamentary Under-Secretary of State, at the Ministry of Justice offered his congratulations to Lord Rowe-Beddoe and indicated the Government's position:

He will know - we have had words about this - that in accordance with normal practice for Private Member's Bills, the Government do not normally support or oppose them, and we make no exception in this case. I think that he will be able to tell from what I have to say which way the Government are minded on the Bill.¹³

Lord Bach spoke of the changes introduced in the Church of England relating to where a couple might marry and said that “it does not seem unreasonable that the Church in Wales would wish to extend a similar welcome to people who wish to get married within one of its parishes but do not satisfy the current qualifying connection that demands that at least one of the couple is resident in the parish”.¹⁴

⁷ HL Deb 11 December 2009 c1291

⁸ HL Deb 11 December 2009 c1291

⁹ HL Deb 11 December 2009 c1291

¹⁰ HL Deb 11 December 2009 c1293

¹¹ HL Deb 11 December 2009 c1292

¹² HL Deb 11 December 2009 c1292

¹³ HL Deb 11 December 2009 c1293

¹⁴ HL Deb 11 December 2009 c1293

The Bill was read a second time and committed to a committee of the whole house.

2.2 Remaining stages in the House of Lords

There was no further debate on the Bill in the House of Lords.

On 14 January 2010, the order of commitment was discharged; Lord Rowe-Beddoe indicated that no amendments had been set down and that no peer had indicated a wish to move a manuscript amendment or to speak in Committee.¹⁵

On 26 January 2010, the Bill was passed on third reading without debate and sent to the Commons.¹⁶

2.3 House of Commons stages

Second reading in the House of Commons took place, without debate, on 5 February 2010.

The Bill was considered by a Public Bill Committee on 24 February 2010. The Chairman was Mike Hancock and the members of the Committee were:

Ainger, Nick (Carmarthen, West and South Pembrokeshire) (Lab)
Crabb, Mr. Stephen (Preseli Pembrokeshire) (Con)
Davies, David T.C. (Monmouth) (Con)
Dunne, Mr. Philip (Ludlow) (Con)
Griffith, Nia (Llanelli) (Lab)
Jones, Mr. David (Clwyd, West) (Con)
Michael, Alun (Cardiff, South and Penarth) (Lab/Co-op)
Morden, Jessica (Newport, East) (Lab)
Morgan, Julie (Cardiff, North) (Lab)
Owen, Albert (Ynys Môn) (Lab)
Prentice, Bridget (Parliamentary Under-Secretary of State for Justice)
Ruane, Chris (Vale of Clwyd) (Lab)
Williams, Mrs. Betty (Conwy) (Lab)
Williams, Hywel (Caernarfon) (PC)
Williams, Mark (Ceredigion) (LD)
Willott, Jenny (Cardiff, Central) (LD).

Committee Clerk: Sarah Davies.

The Bill received cross party support.

Alun Michael (Labour/Co-op) said that the Bill had the full support of the governing body and the representative body of the Church in Wales.¹⁷

David Jones (Conservative) declared that he was a member of the Church in Wales and indicated that "I am under strict instructions from my bishop to support the Bill". He said that the Bill had the Conservative party's full support.¹⁸

¹⁵ [HL Deb 14 January 2010 c691](#)

¹⁶ [HL Deb 26 January 2010 c1301](#)

¹⁷ [PBC Deb 24 February 2010 c4](#)

¹⁸ [PBC Deb 24 February 2010 c4](#)

Mark Williams (Liberal Democrat) also said that he was a member of the Church in Wales and that he, too, had received a letter from his bishop urging the Liberal Democrats to support the Bill, which he confirmed they would do.¹⁹

Hywel Williams (Plaid Cymru) welcomed and supported the Bill.²⁰ Albert Owen (Labour) offered support as a Welsh nonconformist.²¹ Betty Williams (Labour), as a deacon of the Welsh Congregationalists, indicated that the Bill had cross-denominational support in Wales.²²

Bridget Prentice, Parliamentary Under-Secretary of State for Justice, welcomed the Bill, but said that the Government were expected to remain neutral on such measures. However, she said that she agreed with what Lord Bach had said in the Lords.

The Bill was reported, without amendment. Report stage is due to take place on 12 March 2010.

¹⁹ [PBC Deb 24 February 2010 c4](#)

²⁰ [PBC Deb 24 February 2010 c4](#)

²¹ [PBC Deb 24 February 2010 c5](#)

²² [PBC Deb 24 February 2010 c5](#)