

BILL NO 2**Explanatory Memorandum**

Recent legislation in both Northern Ireland and the Republic has relieved the Church of the responsibility for the civil registration of marriages. No longer does the church issue marriage licences or keep the civil registers. This has implications for the marriage service, particularly relating to the wording in the early part of the service and for much of the attached notes in the Book of Common Prayer. A further issue has arisen in the Civil Registration Act, 2004 in the Republic of Ireland which requires the couple to make a verbal declaration of no civil impediment before the solemniser and the two witnesses to the marriage either prior to the marriage or at the time of the service.

This bill seeks to amend the services to take account of these changes.

The wording of the statements by the minister to the congregation and the couple regarding lawful impediments in the existing services are no longer appropriate and the bill proposes to remove them and replace them with more applicable words and rubrics. All notes which deal with the calling of banns etc would now also be removed.

While it is possible in the Republic of Ireland to administer the declarations of no civil impediment up to 48 hours before the marriage provided it is in the presence of the solemniser and the two witnesses to the wedding, experience would suggest that the more normative place for the declarations to be made is at the time of the marriage itself and provision is made for this to happen.

During this past year, since the Resolution stage of the Bill, agreement has been reached with the Registrar General of the Republic of Ireland for a simpler wording for the declaration of no civil impediment by the couple and a further amendment by the proposers of the Bill is tabled to include this simpler wording in the form of service. The agreed new wording is:

I solemnly declare that I do not know of any civil impediment to my proposed marriage with....

A further amendment by the proposers is tabled to meet the wishes of last year's debate that an additional rubric be inserted to emphasise the couple's responsibility to produce a Marriage Registration Form (RI) or a Schedule of Marriage (NI) to the officiating priest before a marriage can take place.

A Table of Kindred and Affinity has been provided by the state in both jurisdictions.

VEN RB ROUNTREE
THE BISHOP OF CASHEL AND OSSORY

BILL

(at the request of the General Synod)

To carry into effect a Resolution of the General Synod 2008 to amend Marriage One and Marriage Two in the *Book of Common Prayer (2004)*

WHEREAS a Resolution to amend *Marriage One and Marriage Two* in the *Book of Common Prayer (2004)* was duly passed in full Synod in Galway in the year 2008, by the required majorities and was duly transmitted to the Secretaries of all Diocesan Synods;

AND WHEREAS it is expedient that the said resolution should be carried into effect by a Statute;

AND WHEREAS in accordance with the provisions of Section 26(1) of Chapter I of the Constitution, leave was given for the introduction of a Bill in the General Synod of 2009;

BE IT ENACTED by the Archbishops and Bishops and the Clergy and Laity of the Church of Ireland in General Synod assembled in Armagh in the year 2009, and by the authority of the same as follows:

In the *Book of Common Prayer (2004)* those parts entitled *Marriage One and Marriage Two* shall be amended in the following terms:

MARRIAGE ONE

- On page 406 under "*The priest says to the congregation*" delete the last two lines "*Therefore if any man ...hold his peace* "
- On page 406 the rubric "*The minister says to the couple*" to read "***The minister may say to the couple***".
- On page 406 after "*neither is their matrimony lawful*" insert the following rubric:
"[RI] Unless the declarations of no civil impediment have already been made by the couple prior to the marriage in the presence of the Registered Solemniser and the two witnesses the man and the woman each make the required declaration now."
- On page 415 delete "*On the day... costs incurred*"

MARRIAGE TWO

- On page 419 under the heading "THE MARRIAGE" delete the first two paragraphs "*The minister says to the congregation...you must declare it now*".
- On page 419 under the heading "THE MARRIAGE" substitute:
"The minister may say to the couple:
**God, the judge of all
knows the secrets of our hearts;
therefore if either of you knows any reason
why you may not lawfully marry
you must declare it now.**

[RI] Unless the declarations of no civil impediment have already been made by the couple prior to the marriage in the presence of the Registered Solemniser and the two witnesses the bride and bridegroom each make the required declaration now."

- On pages 429 and 430 delete "On the day of the marriage..... *Marriage Law in the Republic of Ireland*"