



Isle of Man

Ellan Vannin

SM 1 of 2019

MARRIAGE MEASURE (ISLE OF MAN) 2019



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<i>Approved by Sodor and Man Diocesan Synod:</i>	<i>28 June 2018</i>
<i>Approved by Tynwald:</i>	<i>16 October 2018</i>
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<i>Announced to Tynwald:</i>	<i>15 January 2019</i>

A **MEASURE** enacted pursuant to the *Church Legislation Procedure Act 1993* to enable persons to be married in a place of worship in a parish with which they have a qualifying connection.

1 Short title

The short title of this Measure is the Marriage Measure (Isle of Man) 2019.

2 Commencement

This Measure comes into operation on such day as the Bishop may by order appoint.¹

3 Marriages solemnized in a parish with which a party has a qualifying connection

- (1) The *Marriage Act 1984* is amended as follows.
- (2) After section 17 insert —

17A Qualifying connection with parish

- (1) A person intending to be married has the like, but no greater, right to have the marriage solemnized in a parish church of a parish with which he or she has a connection specified in subsection (3) (a "qualifying connection") as that person has to have the marriage solemnized in the parish church of the parish in which he or she resides or which is his or her usual place of worship.
- (2) Where a church or other building or part of a building licensed for public worship has been designated under section 17(2) of the

Mission and Pastoral Measure (Isle of Man) 2012 as a parish centre of worship, this section applies to such centre of worship, while the designation is in force, as it applies to a parish church.

(3) A person has a qualifying connection with a parish in which the marriage is to be solemnized if—

- (a) that person was baptised in that parish (unless the baptism took place in a combined rite which included baptism and confirmation) or is a person whose confirmation has been entered in the register book of confirmation for any church or chapel in that parish;
- (b) that person has at any time had his or her usual place of residence in that parish for a period of not less than 6 months;
- (c) that person has at any time habitually attended public worship in that parish for a period of not less than 6 months;
- (d) a parent of that person has during the lifetime of that person had his or her usual place of residence in that parish for a period of not less than 6 months or habitually attended public worship in that parish for that period; or
- (e) a parent or grandparent of that person has been married in that parish.

(4) Without prejudice to subsection (3), where —

- (a) as a result of a pastoral scheme or otherwise, a parish has ceased to exist or its boundaries have been altered, and
- (b) a person who wishes to have his or her marriage solemnized under subsection (1) can establish a qualifying connection with a place situated within such a parish, and
- (c) at the time when a notice under section 8 is delivered or an application for the grant of a common licence is made, that place is situated within the parish in which the church where the marriage is to be solemnized is situated,

that person is deemed to have a qualifying connection with that parish.

(5) Without prejudice to subsection (3) or (4), where —

- (a) a person has had a qualifying connection with a parish, and
- (b) a church which was a parish church of that parish at the time when that person had the qualifying connection has since become and continues to be a parish church of another parish,

that person is deemed to have a qualifying connection with that other parish.

(6) Where—

- (a) a person intending to be married has a qualifying connection with a parish, and
- (b) a parish church of the parish is disused and is, as a consequence, subject to a direction under section 14(3),

the marriage may be solemnized under this section in a church or chapel specified in the direction.

(7) Where —

- (a) a person intending to be married has a qualifying connection with a parish, and
- (b) a direction is in force under paragraph 15(4) of Schedule 1 to the *Mission and Pastoral Measure (Isle of Man) 2012* in respect of 2 or more churches in the area of the benefice to which that parish belongs, or in the areas of that and another benefice held in plurality,

the marriage may be solemnized under this section in a church or chapel specified in the direction.

(8) For the purposes of this section —

- (a) "parent" includes an adoptive parent and any other person who has undertaken the care and upbringing of the person seeking to establish a qualifying connection, and "grandparent" is to be construed accordingly;
- (b) any reference to baptism, confirmation, marriage or public worship is a reference to baptism, confirmation, marriage or public worship, as the case may be, according to the rites of the Church of England.

(9) In relation to the establishment of a qualifying connection under subsection (3)(a) by virtue of confirmation, the references in subsection (4) to a place are references to the church or other place of worship in whose register the confirmation was entered.

17B Qualifying connection: publication of banns

- (1) A person who has the right to have a marriage solemnized under section 17A(1) has the like right to have the banns of that marriage published in the parish church where the marriage is to be solemnized.
- (2) The right to have banns published conferred by subsection (1) is additional to and not in substitution for the requirements of section 6 for banns to be published in the parish church of the parish where the parties to the marriage reside or of each parish in which one of them resides.

- (3) Where a marriage is intended to be solemnized under section 17A(1) following the publication of banns by virtue of subsection (1), subsections (2) and (3) of section 10 (certificate of banns) apply as they apply to a marriage of which the banns have been published by virtue of section 6(2) in a parish in which neither of the persons to be married resides.
- (4) Subject to subsection (5), a person who wishes to have his or her marriage solemnized under section 17A(1) after the publication of banns must provide such information, written or otherwise, as the incumbent of the church in which the marriage is to be solemnized may require in order to satisfy himself or herself that that person has a qualifying connection; and section 8 applies as if the reference in that section to a cleric were a reference to the incumbent.
- (5) If the incumbent considers that it is necessary to do so, in order to satisfy himself or herself that a person has a qualifying connection, he or she may require that person to supply or support any information required to be provided under subsection (4) by means of a statutory declaration.
- (6) Where a marriage may be solemnized in a church or chapel by virtue of section 17A(6) or (7), the banns of that marriage may be published in that church or chapel in accordance with this section.

17C Qualifying connection: common licence

- (1) Notwithstanding section 12 a common licence may be granted to a person for the solemnization of a marriage in any church or chapel in which that person may be married under section 17A.
- (2) (2) Where a common licence may be granted by virtue of this section, section 13(2) has effect with the substitution for paragraph (b) of the following —
 - "(b) that one or each of those persons has a qualifying connection with the parish in which the marriage is to be solemnized, stating the nature of that connection;"
- (3) A person who wishes to have his or her marriage solemnized under section 17A(1) by authority of a common licence must provide such information, written or otherwise, as the authority having power to grant the licence may require in order to satisfy himself or herself that that person has a qualifying connection.
- (4) If that authority considers that it is necessary to do so, in order to satisfy himself or herself that a person has a qualifying connection, he or she may require that person to supply or support any information required to be provided under

subsection (3) by means of a statutory declaration, and may take and receive such a declaration.

17D Qualifying connection: guidance

- (1) The Bishop must from time to time issue guidance as to the exercise of any functions by an incumbent under section 17B(4) or (5) or by an authority having power to grant a common licence under section 17C(1).
- (2) Such an incumbent or authority must have regard to the guidance for the time being issued under subsection (1) when considering whether any information provided to him or her is sufficient to satisfy himself or herself under section 17B(4) or 17C(3) that the person wishing to have the marriage solemnized has a qualifying connection."
- (3) In section 16 –
 - (a) in the sidenote, after "residence" insert "or qualifying connection";
 - (b) after subsection (2) insert –
 - ☐(3) Where a marriage has been solemnized –
 - (a) under section 17A(1) after the publication of banns, or
 - (b) on the authority of a common licence granted by virtue of section 17C(1),
 it shall not be necessary in support of the marriage to give any proof that either party had a qualifying connection with the parish in which the marriage was solemnized, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage. ☐.
- (4) In section 55(1), at the appropriate places insert –
 - ☐ "common licence" has the meaning assigned to it by section 5;";
 - ☐ "qualifying connection" means a connection specified in section 17A(3); ☐.

ENDNOTES

Table of Endnote References

¹ ADO – Whole Measure in operation 01/03/2019 [SD2019/0041].