
STATUTORY INSTRUMENTS

2021 No. 538

MARRIAGE, ENGLAND AND WALES

The Marriage (Keeping of Records in Churches and Chapels) Regulations 2021

Made - - - - - *29th April 2021*

Coming into force - - - - - *4th May 2021*

The Registrar General makes these Regulations with the approval of the Secretary of State in exercise of the powers conferred by section 74(1)(c)(v), (1A)(a) and (3) of the Marriage Act 1949(1).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Marriage (Keeping of Records in Churches and Chapels) Regulations 2021.

(2) These Regulations come into force on 4th May 2021.

(3) These Regulations extend to England and Wales.

(4) In these Regulations, “chapel” does not include a chapel to which Part 5 of the Marriage Act 1949 (marriages in naval, military and air force chapels) applies(2).

Duty of parochial church councils to provide registers of marriage services

2.—(1) The parochial church council of a parish must provide books for the purpose of making records under regulation 3 to each church and chapel of the Church of England(3) in that parish in which banns of matrimony may be published.

(2) Books provided under paragraph (1) are to be known as “registers of marriage services”.

(3) A register of marriage services provided under paragraph (1) must meet the requirements of paragraphs (4) and (5).

(1) 1949 c. 76 (12 & 13 Geo 6). Section 74 was amended by Schedule 2 to the Registration Service Act 1953 (c. 37) and by paragraph 5(1)(d) of Schedule 2 to the Transfer of Functions (Registration) Order 2008 (S.I. 2008/678) and subsequently renumbered as section 74(1) by article 12 of the Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821). Section 74(1) was amended by paragraph 19 of Schedule 15 to the Immigration Act 2016 (c. 19) and paragraph 43 of Schedule 1 to the Registration of Marriages Regulations 2021 (S.I. 2021/411), which also inserted subsection (1A).

(2) See section 68(2) of the Marriage Act 1949. The certification function of the Admiralty under that section was transferred to the Secretary of State by the Defence (Transfer of Functions) Act 1964 (c. 15).

(3) Section 78(2) of the Marriage Act 1949 provides for references to the Church of England to be construed as including references to the Church in Wales.

- (4) The register must be made of durable material.
- (5) For the purposes of enabling a record to be made in the register under regulation 3 in respect of a marriage, the register must be printed in such a way that it—
 - (a) indicates the descriptions of information required by each of sub-paragraphs (a) to (h) of regulation 3(2) in relation to the marriage, and
 - (b) provides corresponding spaces for recording information required by each of those sub-paragraphs in relation to the marriage.
- (6) A register of marriage services provided under paragraph (1) by a parochial church council belongs to that parochial church council.

Duty to record information about marriages solemnized according to the rites of the Church of England or Church in Wales

3.—(1) Paragraphs (2), (3) and (4) apply where a marriage has been solemnized according to the rites of the Church of England in a church or chapel in which banns of matrimony may be published.

(2) As soon as practicable after the marriage has been solemnized, the clergyman by whom the marriage was solemnized must make a record of the following information in relation to that marriage in a register of marriage services provided to the church or chapel under regulation 2(1)—

- (a) the date and place of the marriage;
- (b) the name and surname of each party;
- (c) the date of birth of each party;
- (d) the occupation (if any) of each party;
- (e) the address of each party at the time of the marriage;
- (f) the names and surnames of each party’s parents, so far as those names and surnames are known to the clergyman who solemnized the marriage;
- (g) the name and surname of each of the witnesses in whose presence the marriage was solemnized;
- (h) the name and surname of the clergyman by whom the marriage was solemnized.

(3) The clergyman must record the information required by paragraph (2) in English, and may also record information required by that paragraph in Welsh where the church or chapel is situated in Wales.

- (4) After making a record under paragraph (2) the clergyman must sign it.
- (5) This regulation does not apply in relation to a marriage solemnized before 4th May 2021.

Requirements about the keeping of registers of marriage services

4.—(1) The rector, vicar or curate in charge of a church or chapel to which a register of marriage services has been provided under regulation 2(1) must—

- (a) ensure that the register is kept in that church or chapel, and
- (b) do everything that is reasonably practicable to ensure that the register is protected against theft, loss or damage.

(2) Where there is no rector, vicar or curate in charge of a church or chapel to which a register of marriage services has been provided under regulation 2(1), the obligations under paragraph (1) in respect of that register fall on the churchwardens of the parish in which the church or chapel is situated.

Given under my hand on 29th April 2021

Abi Tierney
Registrar General

I approve

29th April 2021

Kevin Foster
Parliamentary Under Secretary of State
Home Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for records of marriages to be kept in churches and chapels of the Church of England and the Church in Wales, other than chapels to which Part 5 of the Marriage Act 1949 applies (naval, military and air force chapels).

Regulation 2 requires parochial church councils to provide books known as “registers of marriage services” to churches and chapels in their parish in which banns of matrimony may be published, for the purposes of keeping the records required by regulation 3. Regulation 2 also imposes requirements relating to the durability and pre-printed content of these registers, and provides that they belong to the parochial church council.

Regulation 3 requires specified information to be recorded in a register of marriage services when a marriage has been solemnized on or after 4th May 2021 according to the rites of the Church of England or Church in Wales in a church or chapel in which banns of matrimony may be published. The record must be made and signed by the member of the clergy by whom the marriage was solemnized.

Regulation 4 imposes requirements relating to the keeping of registers of marriage services provided under regulation 2.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, public or voluntary sector is foreseen.