



EMERGENCY MARRIAGES IN HOSPITAL (ENGLAND & WALES)

PART ONE: General information

In speaking of emergency marriages in hospital (or a hospice), the distinction needs to be drawn between:-

- (a) cases where a patient is not expected to recover or to be able to leave hospital, but is not in immediate danger of dying; and
- (b) cases where there is an expectation or risk of death within a short time.

So far as category (a) is concerned, it is possible for an Anglican hospital chaplain (or another Anglican Priest) to solemnise a marriage in the hospital according to the rites of the Church of England on the authority of a Superintendent Registrar's Certificate (Marriage Act 1983). However, the statutory requirements for the marriage of a "house-bound" person will need to be complied with, including the normal requirement that the certificate cannot be issued until 28 days after notice has been given to the Superintendent Registrar. This procedure is therefore not appropriate for cases in category (b). If it is possible to obtain an SRC this should be done in preference to an Archbishop's Special Licence, on the basis that the SRC is the more statutorily normal preliminary intended for this circumstance.

The only way in which a marriage according to the rites of the Church of England can be arranged at short notice in cases within category (b) is by applying for an Archbishop's Special Marriage Licence. For a civil ceremony a Registrar General's Licence must be applied for, which again allows a marriage to take place without the usual notice period, but which cannot be used to authorise a marriage according to the rites of the Church of England. For a Registrar General's Licence the patient must have little chance of recovery, which is not a condition of the Archbishop's Special Licence. A couple may wish to have a civil wedding using the expedited Registrar General's licence, and then have a service of blessing with an Anglican minister.

Superintendent Registrar's Certificates and Registrar General's Licences are obtained from local Register Offices, and chaplains should of course ensure that they have the relevant contact details to hand.

Archbishop's Special Licences are issued from the Faculty Office and the contact details are set out above. Emergency marriages in hospital by the Archbishop's Special Licence should be brought to the Faculty Office's attention by telephone. The office is open Monday to Friday during normal office hours, except on public holidays. At other times, where there is genuine

urgency, telephone contact can be made with one of the members of staff, and contact details for this can be obtained separately.

This office is willing to send and receive copies of the documentation referred to below by email or fax to expedite matters, on the understanding that the hard copies will be sent on afterwards. (Please note that whilst email can be picked up out of normal office hours, there is no out of hours fax facility.)

It is important that, at the outset, chaplains talk through the choices available to the couple. It might be appropriate to explain the choice between Anglican marriage by an Archbishop's Special Licence and civil marriage by Registrar General's Licence (with or without a service of blessing). Generally, chaplains must be careful (although not unsympathetic) in the way they approach (re-) marriage in hospital, especially because of the implications to Wills, inheritance, family harmony and the possibility, in some circumstances, that the patient will have a diminished mental capacity for rational decision making because of illness. Please see also Part Two below.

An Archbishop's Special Licence is a privilege to which certain conditions are attached:

- (a) The couple should genuinely desire a wedding according to the rites and ceremonies of the Church of England;
- (b) there must be a need for the wedding to take place in hospital;
- (c) the families of the couple should support the intended marriage and the marriage should not be the cause of scandal;
- (d) both parties to the marriage must be of sound mind, and not mentally incapacitated because of his/her/their illness; and
- (e) persons divorced with a former spouse still living must comply with House of Bishops' Advice to Clergy (see Part Two).

Applications should be submitted on the prescribed application form, copies of which are available from the Faculty Office, accompanied by evidence of the identity/nationality for the couple (preferably in the form of copies of their valid passports).

In addition, for emergency marriages, the following supporting documentation is required:

- (a) A letter from the doctor in attendance which states that "the patient is seriously ill, is unlikely to recover, cannot/or should not be moved to a place registered for a marriage and understands the nature of marriage". The exact wording of this documentation is important and you may like to use the enclosed example as a model. (Annex A).
- (b) A note of authorisation from the hospital management. (Annex B).
- (c) A letter from the member of the clergy setting out the circumstances of the application.

The Special Licence application has two stages. The first is the completion of the prescribed application form with the couple and the sending of this and the documents listed above to the Registrar. If the application is approved, the second stage is for an affidavit and commission to be sent out by the Faculty Office and sworn either by the bride or bridegroom in the presence of an Anglican Clerk in Holy Orders. On receipt of these papers the Licence may then be granted and issued. If the patient is in an unstable condition the Licence can be drawn up for the marriage to take place 'AT ANY TIME', including outside the statutory hours for Church of England marriages of between 8 a.m. and 6 p.m.

Please consider the need to have marriage registers available for the ceremony, which should normally be the marriage registers of the parish church in which the hospital or hospice is situated, and you should be in touch with the incumbent to gain loan of these.

Finally, I am sure you will be very much aware that one of the reasons why a couple sometimes request marriage in such circumstances is to ensure that the survivor inherits the property of the person who is not expected to recover. Whether a chaplain thinks the case is an appropriate one for an "emergency" marriage is of course a matter of his or her own discretion, but it is clear that in some cases the couple's concerns could be met by a Will made on the basis of proper legal advice. Even where the marriage does take place that it is not a substitute for making a satisfactory Will. In this context, it is particularly important for the issue of a Special Marriage Licence that officiating clergy satisfy themselves, so far as possible, that the close families of the couple are supportive of the marriage.

PART TWO: Divorcees with a former spouse still living

In the light of the decisions of General Synod, in particular the rescission of the marriage resolutions of the Canterbury and York Convocations and the issuing of the Advice to the Clergy by the House of Bishops in November 2002, the Archbishop of Canterbury reviewed his policy on the issue of Special Licences in such cases. In line with the decision of Synod and the teaching of the Church (contained in Canon B.30) Licences may be available only in exceptional circumstances and in particular, there must be evidence that the couple have been interviewed as recommended in the House of Bishops' Advice to the Clergy (GS1449B) copies of which are available through the Church of England website.

Chaplains should be aware that applications for Special Licence from divorcees who have a former spouse still living are treated with some care and are not necessarily guaranteed approval. Some chaplains have expressed concerns over being asked to deal with the requirements of the House of Bishops' Advice and asking the difficult questions recommended by it, especially if the applicant is seriously ill. Where there are pastoral difficulties of this nature please feel free to discuss with one of the Clerks.

Applications of divorced persons who wish to remarry in the lifetime of their former spouse should be accompanied with the questionnaire in Annex C.

PART THREE: Marriages in Hospital of Relatives of the Sick

You may be asked whether it is possible for a marriage in hospital to take place of persons who are not confined to the hospital, but who wish to marry in the sight of a close relative (normally

limited to a child or parent of the patient) from his or her sickbed. This is only possible by Archbishop's Licence, and requests of this nature should be made to the Faculty Office directly.

Chaplains are always welcome to contact one of the Clerks at the Faculty Office who will be pleased to assist.

Neil Turpin
Clerk to the Registrar
Office of the Court of Faculties

020 7222 5381
www.facultyoffice.org.uk

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ANNEX A
EMERGENCY MARRIAGES IN HOSPITAL/HOSPICE

(Format for letter from attending medical practitioner)

Hospital/Hospice Headed Paper

Patient's full name:

Hospital/Hospice:

I certify that:

I am in attendance on the above named patient;

the patient is seriously ill [and is not expected to recover];

the patient cannot be moved from the hospital/hospice to a place registered for marriage;
and

the patient understands the nature and purport of marriage.

Doctor's signature:

Doctor's qualifications:

Date:

ANNEX B
EMERGENCY MARRIAGES IN HOSPITAL/HOSPICE

(Format for letter of consent from hospital/hospice)

Hospital/Hospice Headed Paper

Patient's full name:

Hospital/Hospice:

I confirm that permission is given for the above named patient to be married in the above hospital/hospice.

Name and position:

Date:

ANNEX C
ADDITIONAL QUESTIONS – Divorcees wishing to remarry
in the lifetime of a previous spouse

1. Has a Decree Absolute been issued in respect of the first marriage? If so, please attach the original or a Court issued copy bearing the original Court stamp.

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2. Have you interviewed the couple as recommended in Sections 4.5 and 4.6 of the House of Bishops' Advice to the Clergy?

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3. Please attach a copy of the completed application form attached to the House of Bishops' leaflet on Marriage in Church after Divorce.

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4. Have you sought the advice of the Diocesan Bishop (or Area Bishop in an Area Scheme) in this case? If so, what is your Bishop's view?

Please note: If you have not sought the advice of your Bishop, then the Archbishop will do so, because when a Special Licence is being applied for, he considers it helpful to seek the view of the Bishop concerned.

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Signed.....

Date.....