

## **Hours for the solemnization of marriages in the Church of England – the effect of the repeal of section 4 of the Marriage Act 1949**

Section 4 of the Marriage Act 1949 restricted the hours when marriages may be solemnized to between 8.00 am and 6.00 pm. Section 114 of the Protection of Freedoms Act 2012, which came into force on 1 October 2012, has repealed section 4 of the 1949 Act thereby removing that statutory restriction. It has also repealed the criminal offence of solemnizing a marriage outside the permitted hours contained in section 75(1)(a) of the 1949 Act.

The repeal of section 4 of the Marriage Act 1949 does not, however, change the hours between which a marriage may lawfully be solemnized in the Church of England. That is because Canon B 35.3 of the Canons of the Church of England provides, “A marriage may not be solemnized at any unseasonable hours but only between the hours of eight in the forenoon and six in the afternoon.” The restriction contained in the Canon remains in force notwithstanding the repeal of section 4 of the 1949 Act. The Canons are legally binding on the clergy.

**Accordingly, the clergy should not accept requests from couples to marry outside the hours prescribed by the Canon.** To do so would amount to an ecclesiastical offence for the purposes of the Clergy Discipline Measure 2003. (The only exception to this is where the specific provisions of a Special Licence permit a particular marriage to take place outside the canonical hours where that is necessitated by medical circumstances.)

**The legal position in relation to marriages according to the Rites of the Church of England remains that a marriage may only be solemnized between 8.00 am and 6.00 pm.** The member of the clergy officiating must say the whole rite and perform the whole ceremony (i.e. one of the authorised marriage services) by 6.00 pm. (The registration of the marriage is required to be made immediately after the solemnization of the marriage (section 55(1) of the 1949 Act). Signing of the registers (but not any part of the marriage service) may, therefore, take place after 6.00 pm.)

Consideration of any change to the legal position under the Canons of the Church of England would be a matter for the General Synod.

The Legal Office  
Church House  
Westminster

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