

## ***Marriage in the Church of England after Divorce***

Under the Matrimonial Causes Act 1965 no member of the clergy of the Church of England can be compelled to solemnise the marriage of any person whose former marriage has been dissolved and whose former spouse is still living, or to permit the marriage to be solemnised in the church of which she/he is the minister.

### **Marriage in Church after Divorce statement**

The Church's current position on the re-marriage of divorced persons is contained in the House of Bishops Guidelines issued in 2003 (see [House of Bishops' Guidelines for Clergy](#)). This guidance sets out a number of issues and questions clergy may wish to address with couples intending to be married in these circumstances. There is an application form which is recommended for use in all cases (see [Marriage in Church after Divorce statement](#)).

The application form should be completed in these cases, so that the minister can demonstrate, if challenged, that they are satisfying Human Rights legislation. Those who have a conscientious objection to remarrying divorcees remain at liberty to refuse, provided they do so consistently in accordance with the House of Bishops' Guidelines.

### **Seeking further advice from Bishop**

Although the decision whether to solemnize the marriage of divorcees must in every case be a matter for the individual clergy concerned, clergy may wish to refer cases to the bishop for advice. If so, they should send the completed application to the bishop with their own assessment of the situation (which, in accordance with the Data Protection Act, the couple would be entitled to see).

### **Divorce Documentation – Decree Absolute or Final Order**

We understand that there is still confusion as to which documents are acceptable to prove that a marriage has legally ended by divorce. In all cases, clergy must see the divorce **Decree Absolute** (if the marriage legally ended before 6 April 2022) or **Final Order** before agreeing a date and other details of a marriage service.

Divorce decrees are issued in two stages. The *Decree Nisi* (if the marriage legally ended before 6 April 2022) or *Conditional Order* is the first stage, and does not effect the dissolution of the marriage. It merely indicates that a divorce Decree Absolute or Final Order will be issued unless significant objections are received.

It is very rare for objections to be received or for the Decree Absolute or Final Order not to be issued, but the marriage remains in existence until the Decree Absolute or Final Order is granted by the Court. ***It is the Decree Absolute or Final Order that clergy must insist on seeing before they indicate their agreement to marry any couple in these circumstances.***

### **No Decree Absolute or Final Order - ramifications**

If no Decree Absolute or Final Order is granted, then the marriage will be void for bigamy, and potentially there may be criminal, civil or disciplinary proceedings taken as a result.

### **Document Seals**

If the divorce was before 22 April 2014, then the minister must see an original hard copy of the Decree Absolute bearing a red seal. If the divorce was after this date then it will have become standard practice for the court to issue an electronic version of the Decree Absolute or Final Order with a black electronic seal on it as acceptable evidence of divorce.

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**Darren Oliver** | [doliver@wslaw.co.uk](mailto:doliver@wslaw.co.uk)  
Partner | Winckworth Sherwood LLP  
Solicitor and Registrar of the Diocese of Oxford

**Sara Leader** | [sleader@wslaw.co.uk](mailto:sleader@wslaw.co.uk)  
DT: 01865 297211  
Registry Manager