

Restrictions : Minimum Age, Kindred and Affinity and Time of Day

Marriage and Civil Partnership (Minimum Age) Act 2022

The Marriage and Civil Partnership (Minimum Age) Act 2022 received Royal Assent in April 2022, and came into effect on **Monday 27 February 2023**.

<https://www.gov.uk/government/news/implementation-of-the-marriage-and-civil-partnership-minimum-age-act-2022>

The new Act amends the Marriage Act 1949 and other relevant legislation to increase the legal minimum age to 18, and makes it a criminal offence for a person to carry out “any conduct for the purpose of causing a child to enter into marriage before the child’s eighteenth birthday”. It is, therefore, no longer legal for a clergy person to conduct the marriage of any person under the age of 18. Banns should not be started or a Common Licence applied for until the person’s 18th birthday, or thereafter.

Kindred and Affinity

Marriages between persons within the prohibited degrees of kindred and affinity must not be solemnised. Any question as to whether a particular couple are within the prohibited degrees is to be referred to the Chancellor through the Diocesan Registry. The table of kindred and affinity forbidden by the Church of England can be found at this link:

<https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/book-common-prayer/table-kindred-and-affinity>

The table in Schedule 1 of the Marriage Act 1949 should also be considered:

<https://www.legislation.gov.uk/ukpga/Geo6/12-13-14/76/schedule/1>

Time of Day

A marriage may be solemnised only between the hours of 8am and 6pm under Canon Law (this is despite changes to these hours under civil law).

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