

Divorce Documentation for Marriages

It has come to my attention that in two recent cases of marriages involving divorcees, where a former partner is still alive, clergy have not seen the divorce Decree Absolute before agreeing the date and other details of the marriage service. In each case, they were shown only the ‘*Decree Nisi*’.

As I have explained to clergy in many training sessions, divorce decrees are issued in two stages. The Decree Nisi is the first stage, and does not effect the dissolution of the marriage. It merely indicates that a divorce Decree Absolute will be issued unless significant objections are received.

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

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

As you will be aware, the House of Bishops’ Guidance requires that a questionnaire be completed in these cases, so that you can demonstrate, if challenged, that you 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.

For wider advice on marriage issues please see <https://www.oxford.anglican.org/wp-content/uploads/2018/03/Marriage-in-the-Church-of-England-Guidance-for-Clergy.pdf>.

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