

MARRIAGE BY COMMON LICENCE OF DIVORCED PERSONS Procedure

Following the decisions in 2002 to rescind the Regulations of the Convocations of Canterbury and York and the issuing of the House of Bishops Advice to Clergy on this matter, the Archbishop of York (in consultation with the Suffragan Bishops and Archdeacons of the Diocese) reviewed the policy on the issue of Common Licences where either or both of the parties to the proposed marriage have been married previously with a former spouse still living.

In certain circumstances, it is now possible for a Common Licence to be issued for a marriage where one or both of the two persons are divorced.

The priest who will officiate at the proposed wedding must consult and follow the House of Bishops *Advice to the Clergy* for the marriage of divorcees and complete the various questions published by the House of Bishops.

There is enclosed a copy of the four Additional Questions (Additional Paper 3) which the officiating priest is asked to use in respect of these applications. The questions pre-suppose the use of both the House of Bishops Advice and also the standard form and explanatory statement 'Marriage in Church after Divorce'.

These pamphlets are available from SPCK and the material can be found on the website at: www.churchofengland.org/media/1162432/leafletforenquirers.pdf

The officiating priest should interview the couple and address the questions from the House of Bishop's Advice reproduced on Additional Paper 2. If the priest is satisfied it is right to proceed with the marriage in the light of the House of Bishops' Advice, then the Additional Questions on Additional Paper 3 should be completed.

If the priest is satisfied that the couple have made an appropriate response to the points in Additional Paper 2, then it is sufficient to answer Questions 2 and 3 on Additional Paper 3 with a simple 'yes'. Pastorally sensitive details are not required to be divulged to the Surrogate.

You will see that Question 4 asks whether the views of the Suffragan Bishop have been sought and whether he has expressed any views. The Archbishop of York has indicated that provided the questions raised in the *Advice to Clergy* have been satisfactorily addressed, there is no specific need to seek the Suffragan Bishop's views in relation to the granting of Common Licences. However, the Suffragan Bishops wish to assure clergy that they are very happy to be consulted as a point of reference about a particular application if required or this would assist.

When this has been done, the couple need to make an appointment with the Surrogate to obtain the Common Licence. **The Surrogate will need to see the Additional Questions that the officiating priest has completed and the decree absolute of divorce or a certified copy – it is recommended that the officiating priest sends these documents to the Surrogate, (rather than ask the couple to take them with them to their appointment).**

If the officiating priest or Surrogate is in doubt about the new arrangements, they may contact the Registry for assistance and advice.