

HOUSE OF LORDS
HOUSE OF COMMONS
PROCEEDINGS BEFORE
JOINT ECCLESIASTICAL COMMITTEE

CONSIDERATION OF THE CHURCH OF ENGLAND MARRIAGE MEASURE

TUESDAY 22 APRIL 2008

THE RT WORSHIPFUL DR SHEILA CAMERON QC, MISS INGRID SLAUGHTER,
BISHOP OF ST EDMUNDSBURY & IPSWICH, and MR WILLIAM FITTALL

Proceedings in Public

Questions 1 - 32

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Oral Evidence

Taken before the Joint Ecclesiastical Committee

on Tuesday 22 April 2008

Members present:

Elton, L	Sir Stuart Bell
Judd, L	Ben Chapman
Laming, L	Sir Patrick Cormack
Lloyd of Berwick, L (Chairman)	Mr David Drew
Massey of Darwen, B	Simon Hughes
Perry of Southwark, B	Robert Key
Pilkington of Oxenford, L	Mr Gordon Marsden
Shaw of Northstead, L	Mr Desmond Swayne
Walpole, L	David Taylor
Wilcox, B	
Williams of Elvel, L	

Witnesses: **The Rt Worshipful Dr Sheila Cameron QC**, Dean of the Arches and Auditor, **Rt Revd Nigel Stock, Bishop of Edmundsbury & Ipswich**, Member of the Steering Committee, **Miss Ingrid Slaughter**, Legal Adviser, and **Mr William Fittall**, Secretary General to the Archbishops' Council, General Synod, assisted the Committee.

Q1 Chairman: My Lord Bishop, I understand that you would like the Dean of Arches to introduce your colleagues on this occasion and then to take us, so far as is necessary, through the comments and explanations?

Bishop of St Edmundsbury & Ipswich: That is right, my Lord, I would be very grateful if that could be the case.

Dr Cameron: Thank you very much. It is an honour to be able to introduce my colleagues, my Lord Chairman. On my left, as you have just identified, is the Rt Revd Nigel Stock, Bishop of St Edmundsbury & Ipswich, who was a member of the Steering Committee in respect of this Measure. Beyond him is Mr William Fittall, the Secretary General to the Archbishops' Council and the General Synod. To my right, is Miss Ingrid Slaughter, Legal

Adviser to the Steering and Revision Committees for the Measure. Perhaps I may just say that Miss Slaughter has been here on quite a few occasions before this Committee over the years. She has served the General Synod for 25 years with great distinction in the legal department and sadly now is the time where she is going to take her leave and follow other interests in retirement, so this will be her last appearance before this Committee assisting the rest of the team. I have to say that we did hope that the Very Revd George Nairn-Briggs, who was the Chairman of the Steering Committee, would be able to be part of the team here today but unfortunately he is unable to be here due to ill-health.

Q2 Chairman: That completes the team, does it?

Dr Cameron: That is the team, yes.

Q3 Chairman: There is a second row as well as the front row.

Dr Cameron: They are the supporting cast I think, my Lord.

Q4 Chairman: They are familiar to us. Perhaps I could just say on behalf of the Ecclesiastical Committee how much we will miss Miss Ingrid Slaughter on future occasions. The place will not be the same without you. You have been a marvellous stand-by over many, many years, thank you very much. So yes, the Measure?

Dr Cameron: It is the Church of England Marriage Measure and, my Lord, you have a copy of the draft of the Church of England Marriage Measure and you have the detailed comments and explanations offered to you by the Legislative Committee of the General Synod. I will just say one or two words by way of general introduction and then perhaps refer to a couple of things in the comments and explanations before we come to questions. I am sure it is well-known to members of this Committee that marriages solemnized by Church of England clergy take effect in law just like civil marriages. In fact, in conducting marriages the clergy are

subject to the general law which applies to all marriages in this country, and that is laid down in the Marriage Act 1949. This Measure before you this afternoon will supplement the law relating to marriage according to the rites of the Church of England. It will not in fact alter the wording of the Marriage Act at all. As you may have seen from paragraph 9 of the comments and explanations, our understanding is that the Government has no objection to this Measure, which is of limited effect and confined to the Church of England. The purpose of the Measure is to extend the rights - and I emphasise the word 'rights' - of couples to marry in a parish church. There were some in the Synod who suggested that the minister should simply be given discretion to decide to marry a particular couple, but the Synod rejected that suggestion. There were not only legal objections under the human rights law, and we have set those out in some detail in paragraphs 29 to 32 of the comments but, more pragmatically, the Synod regarded it as essential that couples should know exactly where they stood and there was this call for consistency with the same principles applying in every parish, so that a couple could not go to parish A and be welcomed and be allowed to marry but in parish B they would be rejected by the minister. We felt that the rights had to be conferred across the board. The background to the Measure and the need for change in the law affecting Church of England marriages arises out of the fact, which is only too well-known to everybody in this room, that we live in an increasingly mobile society. Work opportunities take people away from their original home base to another part of the country, quite often abroad, yet when a couple plan to marry they often wish to return to the church in that home base or to a church in some other place where one or other has a particular personal connection, and we recognised this very early on in the various working groups on marriage which have been in existence for a number of years within the Church. Whilst there is a very strong wish to welcome more couples, it has been the wish of the Synod that they should be given as much support as possible by way of marriage preparation as they take this major step in their lives.

It may help if I mentioned the fact that in 1999 the House of Bishops issued a teaching document on marriage which emphasised the ideal - and we recognise we do not all reach the ideal - of life-long marriage as “the bedrock of a rapidly changing society”. The Bishops stress how important it is for those who marry to know the full extent of what they are doing, and it is in this context that we believe that good-quality marriage preparation in the parish where the marriage is to take place plays its valuable part. I think it is made quite clear in the comments and explanations, and we have got it on the bottom of the first page in the summary, the only way in which a couple can lawfully marry in a parish church other than under the existing rights which they have as parishioners or being on the electoral roll, is at the moment by obtaining a special licence from the Archbishop of Canterbury. However, if this Measure becomes law, a special licence will not be necessary in any of the cases covered by clause 1(3) of the Measure, and the list in that clause is wide enough to give a couple a variety of possible parish churches in which to marry. For example, it includes the parish in which the parents of one of the couple are currently living, so that when the daughter or the son have gone abroad and worked for several years and they meet the right person and want to come back to the home base (the parish where no doubt they have still left some of their belongings at home although they have lived abroad for a long time) and they want to get married in this parish, up until if the Measure is passed and receives Royal Assent, they would have to get a special licence. In the future under this Measure they will be able to turn up to the local minister and say, “We would like to get married here. Our parents live in the parish,” and that would be sufficient, so it opens up the possibilities. They could even go back a generation to where the grandparents of one of them were married. We had evidence to the working party of that association and I am afraid also with fragmented families now sometimes going back a generation gives an element of stability and people like to go back to that base and choose that parish as the place where they want to get married. You may have

seen from the length of the deliberations of the Revision Committee, which are set out in the comments and explanations, that every clause, every detail in this Measure has been worked on with meticulous care. The Synod believes that this is a very worthwhile step to take to widen the opportunities for people who at the moment are prevented by the limitations of the rules and they are perhaps deterred by having to go and get a special licence from the Archbishop to have the opportunity to go back to base, whatever the base might be, and be welcomed in the parish to the church and be able to have their marriage solemnized there. The fact that the Synod has supported this Measure with great enthusiasm can be seen from the voting figures on page 4, where you will see that the 26 Bishops who were present voted unanimously, 106 Clergy, with three noes, and 126 of the Laity with three noes, so 258 to six, and maybe of the six some people, we have to admit, would rather have just left things as they are but the majority of the Synod thought that was not the right thing to do and that we must try and open the doors and be more welcoming in the way which is set out in the Measure. I do not know whether it will assist, my Lord, but the qualifying connection is set out very clearly on the first page of this document, and I think we have got it also somewhere else, but Miss Slaughter will remind me of that. On the first page, it tells us that the Measure gives a person the same right to marry in the parish church as a parishioner has under the existing law, and then the details of the categories of qualifying connection are set out: the person concerned was baptised or prepared for confirmation in the parish; the person concerned or a parent of that person has had his or her usual place of residence in the parish for a period of at least six months (that was reduced by the Synod from a longer period because we felt we wanted again to give as much flexibility as possible because people do move around, parents move around as well as offspring); or the person or the parent has habitually attended public worship in the parish for a period of at least six months, and that period may be continuing at the present or it may be any time in the past, except that in the case of a parent it must have

been during the lifetime of the child, the applicant for marriage, so not predating the birth of their own child; and then finally, a parent or grandparent of the person concerned was married in the parish. That has to be compared with what is still retained and not affected at all, the existing rights of parishioners, which are set out at the bottom of the first bullet point: “The existing rights of parishioners, including the provisions under which, in many cases, a person who is not resident in the parish but who has worshipped there regularly for at least six months can apply to be entered on the church electoral roll of the parish and can thus acquire the right to marry there. So the existing remains the same but we are adding on.

Chairman: I think we are all very grateful to you for that very clear explanation of the basis behind this Measure, and I think I would like just to repeat in your presence what we said in private session that I think all the members of the Ecclesiastical Committee were deeply impressed by the care which the Synod had taken over this particular Measure. I would add to that simply that it seems to me the comments and explanations are fuller than I have ever seen them before. They are very helpful to us and we have all of course read them. At least I think you can assume that we have all read them! I think that there are one or two of us who would have some particular questions they would like to ask before we come back to more general matters, and I think in particular Lord Williams of Elvel, did you have a point you wished to raise?

Q5 Lord Williams of Elvel: Thank you, my Lord Chairman. I am a little bit concerned about 3(e) taken in conjunction with (4) on section 1 of the Measure. There are two problems that I have. The first is that I wonder what the situation of a parent or grandparent is so far as qualifying connection is concerned if the said parent or grandparent is married civilly in the boundaries of a parish and that wedding is then blessed in the parish and presumably is recorded as such in the parish register. The second difficulty I have is about subsection (4) of clause 1 of the Measure which reads: “For the purpose of subsection (3)(d) above ‘parent’

includes an adoptive parent and any other person who has undertaken the care and upbringing of the person seeking to establish a qualifying connection.” ‘Any other person’ is a very wide category and I wonder if we could have some elucidation on what is intended.

Dr Cameron: I think the first point, my Lord, in answer to Lord Williams is that the marriages which are dealt with in this Measure are Church of England marriages, and in fact you find that in clause 1, sub-clause 12(c) where it says: “Any reference to baptism, confirmation, marriage or public worship shall be construed as reference to baptism, confirmation, marriage or public worship, as the case may be, according to the rites of the Church of England,” so I am afraid a civil marriage would not qualify for that purpose. We are constrained actually on what we can legislate for to matters related to the Church of England.

Q6 Lord Williams of Elvel: Even if the marriage is then blessed in some sort of way by a parish?

Dr Cameron: Yes, I think so because of course the blessing is the welcome to the church. We appreciate there are many reasons why people have civil marriages, but for the purpose of establishing a right, which is what we are establishing here, we have to be very careful not to extend it beyond what it is reasonable for the Church of England to deal with.

Q7 Lord Pilkington of Oxenford: I can see why but you are doubling the penalty for divorce. A person who is divorced may not be allowed to marry in a Church of England, and if their parents have been divorced they would then be refused to be married in the church of their choice, so you are actually piling on greater burdens to divorce than exist at present, which is quite a worry.

Mr Fittall: Is it worth saying that of course many people who would qualify under (e) will also qualify under (d) so in the case of parents, wherever they have married, of course if they

have been resident for more than a six-month period they would qualify. It is only where that is not the case or in the case of grandparents that that difficulty could arise. I think it is a question really of where to draw the line. We were conferring additional rights here.

Q8 Lord Pilkington of Oxenford: You are actually limiting the right in a way for a person who wants to marry in a church because they now face the thing that if their parents were not married in a church and they do not live there and they do not fulfil the qualifications, they are doing it solely on parents, then their rights are limited.

Dr Cameron: They would not acquire the new right. They would still be able to become eligible by worshipping in the church and then going on the electoral roll.

Q9 Lord Pilkington of Oxenford: Would they be given a special licence?

Dr Cameron: The grant of a special licence is a matter of discretion for the Archbishop, and Lord Pilkington has drawn attention to that opportunity, which is very helpful, because we recognised that we could not legislate for all permutations, that there had to be a point where we drew a line, and we recognised, and it appears in the comments and explanations, that there will be cases outside which at the moment are dealt with by special licence and can still be dealt with by special licence, so that route has not been cut off at all. You have got an add-on. You have got more coming locally to the parish but you have still got the fall-back that people can ask the Archbishop if he can grant them a special licence if they do not come within these categories.

Q10 Chairman: There was a second part to Lord Williams's questions on the other persons.

Dr Cameron: The width of the provision in clause (1)(4) of 'any other person'. We thought it was necessary to put in something like that because, not infrequently, people are brought up nowadays by somebody other than a natural parent, and we did not want to rule those people

out, particularly for example orphans, they have not got a parent but they may have a guardian or another relative, an aunt or somebody, who takes over, or even, we read sometimes that grandparents take over the role, so we did not want to rule out that possibility and that is why we put those words in as broadly as possible.

Q11 Chairman: Can I just ask a supplementary on that. Is that the sort of matter, perhaps I am wrong, on which the House of Bishops are going to give guidance, or does the guidance to be given by the House of Bishops relate more to ---

Dr Cameron: I am going to ask Miss Slaughter to answer that one.

Miss Slaughter: Yes indeed, we will give some very general guidance about the sorts of situations which that is intended to cover.

Q12 Lord Williams of Elvel: The verification procedure for this must be very difficult.

Dr Cameron: Well, again we are working on this, and Miss Slaughter has already done a lot of work on the draft to submit to the House of Bishops on this, but of course it cannot be approved unless and until the Measure takes effect, but we are very conscious of this. Many of the things are not going to be difficult to prove because you can have people making statements in support of what you say and much of it can be proved by producing certificates - marriage certificates, baptism certificates, copies of entries in registers and also the possibility of relatives or friends saying, "We know they lived here, we can confirm we have known them X number of years," et cetera, so it is not actually going to be particularly difficult, and in cases where there might be some doubt we have made a provision for somebody to make a statutory declaration, in which of course they can set out the facts, and Miss Slaughter is giving an example of how people can set it out in a statutory declaration in this guidance which we hope the House of Bishops will approve, and that will be leading people through the process so that it should not be too complicated.

Chairman: Thank you very much for that answer. I think Lord Laming has also given notice of a question which he would like to ask.

Q13 Lord Elton: Before that could I ask a further supplementary on this point. I would be very interested to know what will be the legal effect of the last line in subsection (4), the term ‘grandparent’ shall be construed according to the definition we have just been given of a parent, including an adoptive parent or any other person who has undertaken the care, et cetera, of the person. Does that mean anybody who has behaved like a grandparent or does it mean the parent of anybody who has behaved like a parent or what?

Miss Slaughter: Chairman, our understanding was that it is a second alternative to each generation. The relationship between the parent and the person who is applying must be as in the first part of the subsection (4) and the relationship between the grandparent and the parent may be any one of these alternatives. You could for example have grandparent adopt parent; parent has child who is now applying as a natural child.

Q14 Lord Pilkington of Oxenford: If I could follow up on what Lord Williams has said. It seems to me possibly wrongly that you are making it almost more complicated than it is now. The situation is we know parish priests disobey the law and they in fact do give permission and they often do marry people not resident in the parish, but they do not apply this complication about whether the parents were married by the Church of England, and actually this will be, in a funny way, meaning to be liberal, as I said earlier, somewhat more restrictive which it is not intended to be, because the reality of the situation now is large numbers of parish priests do not obey the law as it stands, as we all know.

Dr Cameron: I do not know whether we take notice of that or not! I think the point is that there are, to counter what Lord Pilkington has just said, those who take a very strict line, that is the other side of the coin, and it may be that some who take the more liberal view are likely

to welcome this as opening the doors and legitimising what they have been doing whereas those who have taken the narrow line will have to be more welcoming and they will then be required to do it because people have rights.

Chairman: I think Baroness Massey has a supplementary on the same question.

Baroness Massey of Darwen: A supplementary to a supplementary. I think you may have answered this one, but could you just say how this affects civil partnership arrangements, if a gay couple for example or a lesbian couple want to have a blessing or get married in the Church, how would this apply?

Q15 Sir Patrick Cormack: Not at all I hope!

Dr Cameron: In answer to Lady Massey, the legislation in relation to civil partnerships makes it quite clear that they cannot have any religious element,

Q16 Sir Patrick Cormack: Quite right too!

Dr Cameron: As I think I said before and I do not know if Baroness Massey heard what I said, our Measure deals only with marriages according to the rites of the Church of England, so it does not cater at all for civil partnerships to be conducted in church and certainly not with any religious element because we would be in breach of the general law.

Baroness Massey of Darwen: Some parish priests will do this, will they not, they will give a blessing? I know they do so ---

Sir Patrick Cormack: Well, they should not.

Chairman: I think the question is really outwith the Synod's competence. I do not think they can deal with civil marriages, only with Church matters.

Sir Patrick Cormack: There is just one supplementary on that point, my Lord Chairman, and it is this: when you are construing the words 'parent' and 'grandparent', what happens if the

unfortunate child has two fathers or two mothers and does not have one of each sex, are they going to be construed as parents?

Lord Williams of Elvel: That is a very good point.

Q17 Sir Patrick Cormack: It is a good point.

Dr Cameron: I think if they have undertaken the care and upbringing - and we do know that two people of the same sex are allowed to adopt now and if the next generation wish to get married in church I think the attitude is that they are recognised in law as the parents - then it would be wrong not to allow that couple to marry simply because it perhaps is a more unusual arrangement than their parents had than heterosexual arrangements.

Mr Fittall: But in that case the qualification in relation to the person of the older generation would be that they had been resident in the relevant parish. Clearly they would not have been married in the parish and the fact they might have had a civil partnership ceremony at a civil registry would have no bearing on this right. It would focus on the residence in the area and the fact that they had responsibility.

Chairman: I think it has been an important point to raise, if I may say so, but it is now Lord Laming's turn.

Q18 Lord Laming: Like everyone else, I think that the Synod deserves congratulations for grappling with this issue and, as the Dean of Arches said, this is a worthwhile step. However, my question really relates to the wider circumstances that we have just been discussing which is the changes in our society, and I wonder if we could be assured that the Synod will keep under review such matters as the fact that the Office of National Statistics has just reported that the proportion of people choosing to marry at the present time is at the lowest level since records began in 1862, and of those marrying today 50 per cent will divorce before their tenth wedding anniversary. It seems to me that the Church would want to attract as many people as

possible into the state of marriage and would wish to help them understand the responsibilities of marriage, against the background of the tremendous range of alternatives to where people can marry today. I wonder whether the Synod, although they might not welcome this, would keep this matter under review, because although the BBC this morning reported that this was a ‘dramatic’ change, to be frank, it seems to me rather modest against the background of wanting to encourage people not only to marry but to marry in church. I hope that the Synod would in due course, and not too long a due course, be willing to re-visit this subject.

Dr Cameron: I am going to ask the Bishop to comment on that if he may.

Bishop of St Edmundsbury & Ipswich: I am very glad that you thought the word ‘dramatic’ was entirely incorrect because I was rather startled when I heard that and I was wondering what you would think of us! Yes, I think that is right and it is fair to say that the Synod did debate this very seriously on exactly the points you are making. We are deeply concerned that since 1970 about a quarter of the weddings that used happen in church now happen in church. Equally, accompanying the debate was a very serious desire to see proper marriage preparation. I am glad to say that round about September there is a new initiative being launched to support all that and to encourage that sort of attitude to preparing couples for marriage, and yes, I quite agree with you, the difficulty about making this even wider, I think we have outlined later in the document you have got before you, but preserving what is quite important for us, the parish-based notion of how this is carried out. We would be reluctant to lose territoriality altogether. That is what we have to balance. There were certainly voices in Synod who said, “Why do you not just go down the free-for-all route?” There were real problems about proper application of that right throughout the country, about fairness, about the Human Rights Act, and also concerns I think about thereby doing away with the parish-based system altogether, so that is why it is in its way - I think I agree with you - a modest Measure but it is that because we really wanted to be certain that we took seriously what we

were offering. I think the other thing that disturbed me about the tone of the report this morning was that it seemed to imply that the church was just trying to get back into the wedding market, so to speak. I think we are doing this because of our conviction that marriage is an important bedrock for society, although of course we would like to see people married in Church and we would like to make it more possible. We certainly take your point and I think people will be aware of that and they will see what happens. If this is deemed expedient and carries through people will see what it does to marriage and whether there are other things we could be doing.

Lord Laming: Thank you

Chairman: Did Sir Patrick have another point?

Q19 Sir Patrick Cormack: It directly follows on from what the Bishop has just said and it was to the Bishop I wish to address the question. You alluded briefly to preparation for marriage. I have two worries about this Measure. One is that it does pose a certain threat to the parochial system as we know it, and we have to recognise that, and I am prepared to accept that, but I am worried about what was referred to on that rather unfortunate report as ‘marriage tourism’ and certain churches because of the beauty of their setting or architecture being the places that people wanted to go to and others, which have a wonderful parochial base, being ignored, and there are economic consequences of that, so I hope that, without being too draconian, bishops will put out very firm and clear guidance that couples should not be married in any church unless they have indeed shown that they are serious in their intent and want to understand what marriage is about. I am not suggesting that they should have to take examinations in the subject (perish the thought!) but that they should conscientiously and genuinely attend one or two sessions, they should worship in the church once or twice before the marriage, they should not just turn up in a limo on the day, be whisked off to the local

hotel afterwards, and we all rub our hands because they have not actually been married in the hotel but it really is no different. That is my worry and I would just like some reassurance.

Bishop of St Edmundsbury & Ipswich: I would be very depressed if that is how it ended up. I have to say coming from Suffolk with some of the finest churches in the country, he says modestly, it did concern me what might happen: would they want to go to the Badinghams or Naylands, and it was interesting that in the debate in the Synod someone raised exactly this about Hexham Abbey and said Hexham Abbey will now be swamped. The Vicar of Hexham promptly wrote to the Church Press saying he rather wished this would happen because he had four weddings that year. I do not think places will be swamped. It was a concern but the control on this is people might have a right to a venue, but they cannot dictate the time or the day and the clergy do have control over that. Certainly there was quite serious debate in Synod about whether you could legislate for marriage preparation, but they could not really find a satisfactory way of putting it in to make it compulsory. However, yes, I would hope that everyone concerned would take the marriage preparation very seriously. Certainly when this comes out it is an opportunity for me to write once again about the guidelines and to say that I hope everyone will take it seriously. If they do find that their particular venue is being swamped, then that is a task for me to provide proper pastoral support so that clergy can be available and give them guidelines where they might else find further support, and yes, that is partly what the September initiative is about, to try and encourage people to take very seriously the preparation.

Q20 Sir Patrick Cormack: I am grateful for that. Before he left Mr Swayne asked me if I would ask the Bishop a question as he had to go off. He said some people might feel now that these same rights should be extended to baptism. Does the Church have any thoughts in that direction?

Bishop of St Edmundsbury & Ipswich: That one is not on the horizon at the present time. I think there is actually less restriction on baptism than there has been on marriage.

Q21 Sir Patrick Cormack: I appreciate that but there are certain restrictions.

Bishop of St Edmundsbury & Ipswich: I cannot honestly say there is any movement at the present time to take that through Synod.

Lord Laming: Could I just make one quick comment about this which is that we need to recognise that out there there are literally thousands of commercial settings for marriages that would love to be swamped. I think we do need to bear in mind the change in circumstances that the Church is in and I hope if Synod ever finds the churches being swamped, they might report back to us!

Chairman: We have got a number of questions from Lord Shaw, David Taylor, Simon Hughes, and Lord Judd in that order. Lord Shaw?

Lord Shaw of Northstead: Briefly, my Lord Chairman, on Sunday I raised a point at church and I did not get a very satisfactory answer so I thought I would raise it today. I am sorry that the Revd Nairn-Briggs is not here because he comes from my own diocese, but my own church of Roberttown in Wakefield Diocese and the Church of Hartshead are a united benefice, and I could not get a clear statement as to whether a parishioner in one church has an automatic right to get married in the other and whether in fact this Measure changed the situation.

Q22 Lord Walpole: As a supplementary to that, could I just say presumably section 12(b) on what is a parish and what is a conventional district, I live in a benefice of seven churches and I do not see any reason why anyone who lives within the benefice should not get married in the church that they wish.

Dr Cameron: I think the answer, my Lord, is this is geared to the parish and there may be several parishes in one benefice, so the point is if you prove your connection with a church within a parish which happens to be within a benefice with other parishes and other churches, you then have presumably a choice, and if you could show you had a connection with two of the churches out of the five or seven, or however many there are, because we know many of them are drawn together now, particularly in rural areas, the parish is the basis for showing the connection, so the word 'benefice' does not appear here as the criterion. It is the parish church in the parish, so what you have to concentrate on is identifying what is the parish and is the church within that parish a parish church.

Q23 Lord Shaw of Northstead: The problem arises though that one church was built in the middle of the 19th century and the other one at Hartshead has Saxon origins and is as good as any church in Suffolk! Obviously there comes a temptation for people who go regularly to Roberttown who might well want their wedding to take place in this wonderful old little church next door.

Dr Cameron: At the moment they could arrange that by simply going to worship there for six months. Actually the Measure is not making any difference to that situation. I share the Bishop's hope that in fact we may get swamped with those who want to get married in church. We have to remember we are talking about a religious service and if people want to return to the Church, all of us along this row and those behind us, and I hope many in the room, would say that is a good thing.

Q24 Lord Shaw of Northstead: May I take it that there is not an automatic right if you are a parishioner in one church to go and be married next door?

Dr Cameron: You have to show your connection. Ingrid Slaughter is going to add one point.

Miss Slaughter: Could I just explain, Chairman, that there are special provisions in the Pastoral Measure about the case where either there are benefices in plurality or two or more parishes within the same benefice. There is a special set-up for that and the Bishop can make special arrangements. Where that applies it also covers the cases under this Measure. It is not an automatic right but it is possible to make special arrangements. I think that is the best way of putting it.

Chairman: That may be the answer to the question but it is not a simple matter.

Lord Walpole: I was merely saying that I do think that most people who worship in a group of parishes do in fact go to services in every church regularly, certainly two or three times a year to the other churches.

Chairman: I think David Taylor was next.

Q25 David Taylor: Thank you, my Lord Chairman. I am taking the Dean of Arches back to something which I hope we have not done to death but it is important and it is paragraph 4 on the first page of the Measure. I am wondering what efforts have been made to define a little bit more clearly “any other person who has undertaken the care and upbringing of the person”, et cetera, how substantial that care and upbringing has been, whether it is by length of period, because in today’s complex social structures it might be quite hard to show beyond any doubt that that particular clause is being fulfilled. Who would arbitrate on any disputes on this if there were any, and let’s hope there were not.

Miss Slaughter: The person who would actually decide whether the qualifying connection is satisfied would be the minister, but in the guidance we are going to encourage ministers if they run across any problems, particularly legal issues, that they do consult the diocesan registrar and the diocesan solicitor before reaching a final decision. We have put that quite firmly in the guidance. One other aspect of it was that it was indeed intended as a potentially long-term affair, not just for a couple of weeks or something like that, though of course

circumstances can change and what was originally intended as a potentially long-term arrangement may, for whatever reason, have to be changed. I think the answer is if it was potentially long term when it started, say the person has been responsible for a child's care and upbringing for a couple of years and then circumstances change, my own guess would be that person would indeed qualify for this.

David Taylor: The final decision is that of the minister taking advice from the registrar? This is no appeal or anything like that envisaged?

Chairman: Thank you very much for that question. I think Simon Hughes is next and then Lord Judd and then Ben Chapman.

Q26 Simon Hughes: I support the Measure and I think the Church has done very well to get the balance right. I think that the linking of people back to the place where they have had had a Christian background or where their parents or grandparents lived is good for the community and the rooting of people, which is a problems in that we have too little of it. My two questions are both out of constituency experience. The first one does not apply to every colleague round the table but my constituency has a cathedral in it, Southwark Cathedral, and section 1(11) says that this provision does not apply to cathedrals even if they are parish churches. I am willing to buy that argument but I just want to hear said publicly that if you do go to a cathedral church for worship and it is your parish church, which is the case for some people in Southwark, or you are on the electoral roll, that six months' attendance will continue to qualify you even though you cannot get in under the new extended arrangements here, because it seems to me if you live in a parish which happens to have a cathedral you should not be excluded from being married in your parish church even though it is a cathedral. That is my first ring-fenced question. And my second question is on a different topic.

Bishop of St Edmundsbury & Ipswich: St Edmundsbury Cathedral is also a parish church.

We have tried to set out on page 19 the existing rights, and they carry on existing, there is absolutely no doubt about that, they could qualify under those, otherwise it is then under special licence.

Q27 Simon Hughes: Thank you very much. The second question relates really to section 2 and it is to elicit the answers that I hope support the whole move away from common licence to this provision. I did not see in the very helpful explanatory memorandum and notes what the current annual number of special licences granted is, and I would be grateful to know, and I would also be grateful to know what they cost and the average time between applying and them being granted, which I understand is quite a long time quite often. In contradistinction, what would be the cost of this process and the time from application to approval of your permission to marry? My hope and belief is that your answer will tell me that it is a cheaper system and a quicker system as well as sparing the Archbishop and whoever works on his behalf a huge task of deciding on all these special licences?

Dr Cameron: In answer to the first part, section 2 deals with marriage by common licence which is not the special licence. The common licence is granted in the diocese where for some reason the banns cannot be called, for example, if one of the couple is abroad and it cannot be called in that person's place of residence because he or she is not resident in the country, or sometimes there are little mistakes made about banns and they can cover that. special licences is a discretionary power vested in the Archbishop to grant permission to people to marry anywhere in the country. At the moment, I am afraid I cannot give you an exact figure but there are several thousand a year, and those several thousand will pass to the parish. We have mixed reports about how the Faculty Office, which is the Archbishop's office, deals with applications. I am sure that everybody on this Committee will know that some people are better at filling in forms than others so that very often those who complain

about delays are those who have not filled the form in correctly in the first place. We do get some very urgent cases in the Faculty Office. There are, sadly, people who are terminally ill and that sort of thing and we turn them round in a matter of hours. Others take their turn, which is only fair, and we try and do it as quickly as possible with a very small staff. So far as the parish is concerned, there is no reason why provided people follow the guidance which the House of Bishops is going to produce, and use the form which is going to be recommended, that it should not be a fairly straightforward process but, again, we have to make allowances for the fact that people do not fill in forms correctly, so I do not think the time is really the critical point because if they think they are going to get there and they have not filled in the form correctly, it will be sent back to be filled in again. It is not really the time, it is the fact it going to be parish-based rather than applying to this office in London.

Q28 Lord Pilkington of Oxenford: What does a special licence cost now? I was married under special licence 40 years ago and it cost £100, which was a lot of money then.

Dr Cameron: Yes, well, it has only gone up to £150!

Lord Pilkington of Oxenford: It was a hard task in 1966 I can tell you.

Q29 Simon Hughes: What will be the minimum cost under this process?

Dr Cameron: This is for the preliminaries, this is for getting permission, this is not the actual marriage ceremony now we are talking about. The figure given for the Synod is that the present cost of banns is about £80.

Chairman: I think we have got time for the two questions I have mentioned, Ben Chapman and Lord Judd, and that might perhaps complete the questioning.

Q30 Ben Chapman: This was obviously designed as a measure to welcome people into the Church but I am wondering whether in going for a period of six months - and I would be

interested to know briefly why that was chosen other than for neatness as opposed to seven months for example - you saw yourself as discriminating against, for example, the new immigrant, the ultra mobile, the new convert, the potential convert, or you saw yourself as discriminating in setting a six-month residential period or six-month church attendance period in favour of a multi-homeowner who could argue for this purpose that they were normally resident in any one of several places.

Dr Cameron: Miss Slaughter is reminding me that if you are already resident in a place you are entitled to be married in the church without the Measure anyway. So far as the six months is concerned, I mentioned the word 'consistency' earlier and in order to have your name put on the electoral roll you have to have habitually worshipped for six months, so it seemed logical. First of all, there was a stricter timetable put on of 12 months and when the Revision Committee and the Synod reconsidered that they decided that was too long and so they reduced it to six months, which is then consistent with what we had in our church representation rules for being eligible to go on the electoral roll. We are trying to make things as consistent and clear and simple as possible, and if you have the same time period we believe that that is more sensible than introducing some other figure.

Mr Fittall: Just to supplement that, if you are currently resident somewhere and can demonstrate it, there is no time period so you may only have been resident in the parish for a month or two months or three months under the law as it currently is. Once you are resident, you have a right to marry in that parish church, and that will remain completely unaffected by these arrangements.

Chairman: We need to watch our quorum so I think we had better be as quick as we can.
Lord Judd?

Lord Judd: It is a really a supplementary comment/question about something that we discussed a little earlier. In particular, would the Bishop not agree that if marriage is about

partnership, about commitment and about integrity, there is a certain comparison here to be made with what appears to me to happen quite often with baptisms as well, that it becomes a rigmarole and a social function because people think it would be a rather nice thing to do, and that therefore the training and preparation of clergy for handling this situation and for counselling and advice is absolutely crucial to its success. If it is about commitment and integrity and serious undertaking, it seems to me that the argument about the disadvantages of opening it up and the advantages of opening it up are both sides of the same question because of course for some people it will be a more serious commitment if it is not just their current geographical circumstances but somewhere that really means something to them than it would otherwise be. All this suggests to me that the quality of the guidance and advice given by the clergy is absolutely central. I must say when I read all this I had a certain unease remembering the extreme imagination and generosity that went into the arrangements for my own marriage in 1961 and I have a slight feeling that the Church may be regularising an awful lot of things that have been happening already.

Q31 Chairman: Who is going to comment on that?

Bishop of St Edmundsbury & Ipswich: Which bit do you want me to comment on? I just go back to agreeing with you that marriage preparation is crucial, a lot of thought needs to be given to it, and it needs to be improved. When it comes down to actually judging people's commitment, I go back to my life as a parish priest (and I did 22 years in parishes on Tyneside and places like that) and the important thing is to establish the relationship. You can produce questionnaires and discussion groups and all sorts of things with people, but if you have the time to establish a relationship with a couple I think that is what makes the difference, and then you can get to have a serious discussion about what you mean by commitment and what the religious elements of the service are really saying. It is trying to establish that that I think is the most important element, and I hope that whatever we do, we

do not make it impossible for people to establish that sort of relationship. That is our one advantage. If you are going to a venue and the marriage celebrant is produced, you very often see them on the day and that is it. I think it is the one thing where we can make some offer of support for the future which I hope we will take very seriously.

Q32 Robert Key: My Lord Chairman, earlier today I was discussing this Measure with a parish priest, the Synod having worked long and hard to bring this Measure to this Committee, and he was anxious to know when it would come into effect. I explained that under clause 5 that was nothing to do with this Committee and everything to do with the Archbishops of Canterbury and York, and I just wonder if under clause 5, section (2) whether the Bishop can give us any guidance as to what the intentions of the Archbishops might be about when this Measure might be brought into force?

Bishop of St Edmundsbury & Ipswich: I am sure they want it in as quickly as possible as well but they are dependent on other processes. I think Miss Slaughter probably knows what the process about the guidance will be.

Miss Slaughter: If this Committee is content with the Measure and it receives the approval of both Houses of Parliament, once it has received the Royal Assent, it will then be necessary for the House of Bishops to formally approve the guidance. Obviously that will need to be done in time for people to get geared up about what the guidance says before it is actually brought into force. Having said all that, I would agree with what the Bishop has said, I think that it is thought that ideally it would be very good to bring it into force some time in the autumn, but obviously that is dependent on the House of Bishops' processes and of course the processes in this Committee and in the two Houses.

Chairman: I think that is rather a good question, if I may say so, to end up on. I think I speak for us all when I say that we are deeply grateful to you Lord Bishop and to the Dean of the Arches and all the members of the Legislative Committee for putting so much work into

this Measure. It will now be for us to consider whether or not it is expedient, which we hope to do quite quickly.