

## Marriage Law Reform FAQs

### **Why is the Marriage Law being reformed?**

The Marriage Law is being reformed because it is outdated, (the current law dates back to 1919), overcomplicated and is not inclusive to all members of society.

The Policy & Resources Committee ('P&R') prioritised a review of the marriage law to replace the current law to: make it simpler; fit the needs of a modern society and to be more inclusive; while still having sufficient safeguards to prevent illegal, sham or forced marriage.

The reform will give couples more flexibility and control over their arrangements, which could increase the number of non-residents who decide to marry here, in turn providing benefit to local businesses and the economy.

Today, there is a growing demand for an alternative to traditional religious and civil marriage ceremonies, with people who do not follow a religion or who have different beliefs wanting the option to personalise their ceremony to better reflect who they are. Humanist and other non-religious marriages have seen a significant increase in popularity and for this reason the reform will enable these types of ceremonies to be legally recognised, if it is conducted by an authorised civil celebrant.

### **What has to happen before the new law is in place?**

[The Marriage \(Bailiwick of Guernsey\) Law, 2020](#) was approved by the States of Deliberation ('States') in April 2020, giving effect to the policy decisions made by the States in February 2019 ([Article VI of Billet No III of 2019](#)).

The new Law must now be submitted to the Ministry of Justice, via the Lieutenant Governor to the Privy Council, for approval by Her Majesty the Queen. Once approved it will be registered before the Guernsey Royal Court, and will then commence by Regulation at a date to be set by the Policy & Resources Committee.

Before the law is in place, guidance on the new process will be prepared and appropriate training for celebrants will be carried out.

### **My wedding will be in 2020, will the new changes apply to me?**

It is hoped that the new law will be enacted in early 2021, so it will not be possible for the changes to apply to any weddings held in 2020, or before the law comes into effect.

### **Under the new law can I get married at night?**

Yes, under the new law couples will be able to get married at night time and any other time of the day, so long as the chosen celebrant and the location owners where they intend to marry agrees before they give notice of marriage.

### **Will the new law allow people to get married on a beach?**

Yes, once the new law is in place couples will be able to get married on a beach, so long as there is agreement with the celebrant before giving notice of their intention to marry. Couples can already hold a ceremony on a beach, but the marriage itself would not be legally recognised under the current law and, couples would be required to have a separate legally recognised ceremony at a registered building, such as at the Greffe or St James Assembly Hall.

The reform changes will allow marriage ceremonies to be held in any building or outdoor space, so long as the owner's permission has been given and it has been agreed with the celebrant in advance. All locations will need to comply with existing legislation and regulations for publicly accessed locations, for example health & safety legislation and venue capacity restrictions.

### **Under the new law will I be able to get married at sea?**

Yes, under the new law couples will be able to marry at sea in territorial waters and in the Bailiwick's airspace, so long as the minimal legal requirements are met to legally recognise the ceremony.

### **Will I be able to get married in my family Church grounds?**

Potentially, yes, so long as the Church gives consent and that the celebrant is authorised to carry out the ceremony in that location. It is advised that couples contact the Church directly to discuss if this would be possible.

### **Where can I not get married under the new law?**

The only restrictions on marriage locations under the new law will be that the celebrant and the legal owners need to consent to the location being used. For example, this means that it will not be possible to have a non-religious ceremony in a place of worship unless the celebrant or the registered owner/s agree. The same applies to any privately owned land or premises.

### **I am part of the LGBT community and want to marry in Guernsey, will this law affect me and my partner?**

All changes under the new law will apply equally to all marriage types. Civil marriage ceremonies are already legally recognised under the [Same-Sex marriage law](#). Like all residents and non-residents couples can have their wedding where and when they want, so long as this is with the consent of the locations legal owner and in agreement with the chosen celebrant.

### **I am a Humanist, under the new law can I have a Humanist wedding?**

Yes, under the new law a Humanist ceremony will be legally valid, if it has been conducted by a civil celebrant authorised by HM Greffier. Couples are currently able to have a Humanist ceremony, but it would not be legally recognised and they would be required to have a separate legal ceremony in a registered building.

### **I am a religious celebrant and want to know if I can still conduct marriages when the new marriage law is in place.**

Yes, existing authorised celebrants will be able to carry out marriages after the new law takes effect. Grandfather rights (where if you have been authorised to carry out marriages under the old law your authorisation will continue under the new law) will apply to all religious celebrants, including Anglican celebrants.

To enable all celebrants to understand how the changes under the new law will affect them, there will be a need for them to take part in some training. HM Greffier (Registrar-General of Marriages) will be responsible for developing and delivering the training to all celebrants, and for the authorisation of celebrants.

### **What do I need to know as a non-resident that wants to marry in the Bailiwick (Guernsey Sark, or Alderney)?**

If one or both of a couple requires immigration permission they will need to provide the necessary immigration documentation, such as a marriage visa, before notice of marriage will be accepted.

For more information regarding immigration law in Guernsey please visit [here](#).

### **In the future, how do my partner and I give notice of marriage?**

Under the new law both partners must give notice of their intention to marry a minimum of 21 days before the marriage takes place. Notice can be given up to one year in advance of the marriage date. This process will be possible electronically as well as in person at the Greffe, this will make the process of giving notice simpler, especially for non-residents.

Both partners will have to attend the Greffe in-person for identity checks and review of freedom to marry documentation, a minimum of the day before the date of marriage. This applies to non-residents and residents alike.

### **How will the agreed changes affect my civil marriage ceremony?**

In the new law there will be provisions made to allow some limited religious content in civil and non-religious belief ceremonies. This will not be to the extent that the ceremony is performed as a religious ceremony would be. HM Greffier will provide detailed guidance on what can and cannot be included, which will be published on the website in due course.

**Will I be able to say my own vows?**

Yes, in a civil ceremony couple can add their own vows to the legal declarations. The wording has been modernised, but is still required to ensure each party freely consents to marriage. The wording is only two sentences.

“I do solemnly declare that I know not of any lawful impediment why I, ..., may not be joined in matrimony to ...”

“I call upon the persons here present to witness that I, ..., do take you, ..., to be my lawful wedded wife/husband”.

**Where can I find further information?**

Website: <http://www.guernseyroyalcourt.gg/article/1914/Marriages>

Telephone: +44 (0) 1481 725277

Email: [registrar@guernseyroyalcourt.gg](mailto:registrar@guernseyroyalcourt.gg)