

CHAPTER 61

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

(MOD Sponsor: Chaplain of the Fleet)

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CHAPTER 61

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

SECTION I - GENERAL

J.6101. General

1. A member of HM Forces is responsible for updating their marital status via their HR Administrator. Any costs incurred in connection with the registration of births, deaths and marriages are to be paid by the individual concerned or their next-of-kin.
2. *(Navy only.)* **Marriages – Reports.** Officers changing their name on marriage are to report the fact to their Career Manager via their Command Chain.
3. *(Army and RAF only.)* **Adoption of Children.** Adoption of a child is to be reported in the same way as a birth and the Commanding Officer is to be furnished with a copy of the Adoption Order or a certificate of the entry in the Adopted Children's Register. The same procedure is to apply when an interim order is made or when the child of a member of HM Forces is adopted by some other person.

J.6102. Marriages in the United Kingdom

1. The requirements of the law relating to the publication of banns or giving notice of marriage and to the solemnization and registration of a marriage vary according to whether the marriage takes place in England and Wales, in Scotland or in Northern Ireland. To ensure that they are aware of the requirements of the law of the country in which they, or members of their families, intend to marry, Service personnel are advised to contact the relevant Registrar General's Office.
2. *(Navy only.)* The conditions applying to the publishing of banns of marriage or giving notice of marriage in HM ships at sea are set out in [Section II](#) and [Section III](#).
3. **Marriage in Service Chapels.** Marriages may be solemnized in Service chapels in England and Wales which have been licensed or registered for the purpose. Personnel who wish to be married in a Service chapel should consult the Chaplain *(Navy only; Further details on marriages in Naval Churches and Chapels can be found in BR 439)*.
4. **Guidelines for the Conduct of Marriages in Armed Forces Chapels**
 - a. Marriages in England and Wales take place under the provisions of the Marriage Act 1949. This legislation allows certain buildings to be certified as Armed Forces Chapels for the purposes of conducting marriages, which in turn determines who may marry in such chapels and how such marriages may be conducted. Most places of worship on the defence estate are armed forces chapels. The term "chapel" is used here, reflecting the legislation, although the building may more usually be known as a church or otherwise.

b. This guidance is provided primarily for those who may be considering getting married in an armed forces chapel. In particular, it clarifies who may preside at a marriage in an armed forces chapel and the role of the Service chaplain, which has not previously been set out in regulations or guidance, and the procedures to be followed. It also outlines the different arrangements which apply to opposite sex and same sex marriages.

c. Marriages conducted in Scotland and Northern Ireland are subject to separate legislation and therefore different arrangements apply (see below [Para 18/Para 19](#)). In addition, in certain circumstances, marriages and civil partnerships may take place under MOD auspices overseas (see [Para 20/Para 21](#)).

d. **Eligibility to Marry.** The Marriage Act 1949 provides (under Section 68) that a person may marry in an armed forces chapel if he or she:

- (1) is serving in any of the regular armed forces of the Crown; or
- (2) has served in any of the regular armed forces of the Crown (otherwise than with a commission granted or under an engagement entered into only for the purpose of a war or other national emergency); or
- (3) is serving as a member of the Reserve Forces on a mobilised or FTRS basis; or
- (4) is a daughter, son, step-daughter or step-son of a person qualified under [sub para \(1\)](#), [sub para \(2\)](#) and [sub para \(3\)](#).
- (5) is a civilian and is on the electoral rolls of the single Service Archdeaonries.

e. For marriage according to the rites of the Church of England, the following residency criterion applies:

- (1) The person concerned would be entitled to marry in the parish church of the parish in which the military chapel lies; (ie the person concerned lives in the same parish as the chapel).
- (2) If neither party has residential qualification in the civilian Parish, then an application must be made for the issue of a Special Licence. It should be noted that the issue of an Archbishop's Special Licence is not automatic.

Opposite and Same Sex Marriage

5. The Marriage (Same Sex Couples) Act 2013 amended the Marriage Act 1949, so that it covers the marriage of both opposite and same sex couples. As of 3 Jun 14, it can be lawful for a same sex marriage to take place in an armed forces chapel. Nevertheless, special arrangements apply to the marriages of same sex couples: see [Annex 61A](#).

The Role of the Service Chaplain

6. Most armed forces chapels form an integral part of the defence estate and fall under the overall responsibility of the Commanding Officer/Head of Establishment. In general, day-to-day responsibility for the use of the chapel will be delegated to a Service chaplain. In larger units, responsibility may be shared between a number of chaplains.

7. A chaplain's authority to solemnise a lawful marriage in an armed forces chapel does not derive from their posting to a unit in that location. It derives from their appointment as an "authorised person" by the Secretary of State. Authorisation is specific to a particular chapel (although a person may be authorised for more than one chapel). Appointment is by means of a letter, signed on behalf of the Secretary of State by a Head of Chaplaincy of the armed forces or his representative. To ensure that the authorisation is correctly carried out and duly recorded, the letter is transmitted to the authorised person through the General Register Office.

Who May Solemnise a Marriage

8. It is MOD policy that a marriage in an armed forces chapel should be solemnised by a chaplain who is authorised for that chapel. A couple who wish to get married in an armed forces chapel can normally assume that the resident or unit chaplain will fulfil that requirement; they do not need to make specific enquiries in that regard (NB: that assumption should not be made for a marriage of a same sex couple; see [Annex 61A](#)).

9. Any exception to that policy requires the agreement of the Head of Chaplaincy of the relevant Service (this requirement to be reflected in Queen's Regulations in due course). Exceptions may be considered in the following circumstances:

- a. **Non-availability Of An Authorised Chaplain.** Examples of where this could arise include gapped posts, deployments, leave, or sickness absence.
- b. **Denomination.** A couple may wish to marry using the rites of a Christian religious denomination which is different from that of the authorised chaplain.
- c. **Personal Preference.** A couple may have strong personal reasons why they would wish to be married by a particular minister (eg a relative or a chaplain from a different unit).
- d. **Matters of Conscience.** Where the authorised chaplain does not wish to solemnise the marriage for reasons of conscience (eg where the marriage involves a divorcee). Special considerations apply to same sex marriage – see [Annex 61A](#).

10. It should be noted that additional flexibility arises from the ability of more than one minister to attend a marriage service. For example, the requirement for the authorised chaplain to be present does not prevent another minister (such as a friend of the couple, or a minister of a different denomination) taking a leading role in the religious service. The authorised chaplain must retain responsibility for the registration of the marriage. It will be at the discretion of the authorised chaplain to agree to such arrangements, and couples who envisage using them are advised to make early contact. However this approach is preferred for the situations described at Para 9 [sub para b](#) and [sub para c](#) above, and avoids the need for an exception to be approved.

11. If a couple do wish to seek an exception to the policy that the authorised chaplain should be present, an application must be made to office of the relevant Head of Chaplaincy, normally at least 6 months before the preferred date for the marriage, to allow time for the necessary administration to be completed. A couple may either nominate a chaplain or other minister of religion who they wish to solemnise their marriage, or ask the Chaplaincy Department to appoint a suitable person. The Head of Chaplaincy has complete discretion to decide whether a minister nominated by the couple would be an appropriate appointee. It should be noted that a minister of a Christian denomination which does not provide Chaplains to the Armed Forces will not be permitted to solemnise a marriage in an armed forces chapel.

12. Applications should be addressed to the relevant Head of Chaplaincy (dependent on the parent Service for the Establishment) as follows:

Chaplain of the Fleet
Navy Command HQ
MP 1.2 Leach Building
Whale Island
PORTSMOUTH
Hants PO2 8BY

13. Should the Head of Chaplaincy agree that a marriage may be solemnised by a minister other than the authorised chaplain, their office will arrange for the necessary authority to be issued. It should be noted that although there are two categories of persons who can lawfully solemnise a marriage in an armed forces chapel without the need for further authority¹, it is not MOD policy to permit this, except by the process outlined above of application to the Head of Chaplaincy.

Civil Marriage, Religious Marriage and Civil Partnership

14. Only marriages using the authorised rites of a Sending Church may take place in an armed forces chapel. It is unlawful for a civil marriage or a civil partnership to be concluded in an armed forces chapel.

15. Couples who enter a civil marriage or civil partnership elsewhere, but wish to have their marriage/partnership marked by a blessing or other ceremony in an armed forces chapel, may apply to the Service chaplain responsible for that chapel for permission to do so. The chaplain may only perform such a ceremony if to do so would be in accord with the practice of his/her denomination. However, notwithstanding any denominational approval for such a ceremony, the chaplain would retain the right to refuse to conduct such a ceremony as directed by his/her conscience in the matter.

16. Armed forces' chapels are dedicated and set aside as places for Christian worship only. They cannot be used as venues for marriages conducted according to the practice of other faiths.

1. These categories are (1) a minister of religion who is licensed/authorised to conduct a marriage in a different place of worship, which is within the same registration district as the armed forces chapel; and (2) a civilian registrar for that same registration district.

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17. Buildings other than places of worship can be licensed by local authorities for the conduct of civil marriages and civil partnerships. Whilst there is no reason in principle why a building on the Defence Estate could not be licensed in this way, the criteria for licensing are unlikely to be satisfied in terms of unrestricted public access. There are accordingly no plans for any defence building to be so licensed.

Scotland

18. For Armed Forces personnel wishing to marry in Scotland must be aware that there is no separate registration of buildings for purposes of marriage and all marriage preliminaries must be completed in Scotland. There is no alternative procedure available to officers and personnel borne on the books of Her Majesty's ship's at sea. The process for marriage in Scotland is noted in BR2.6136.2.

- a. For Same Sex couples wishing to be married by an Authorised Person, the same arrangements as in place for England and Wales must be followed.

Northern Ireland

19. Personnel who wish to marry in Northern Ireland should seek advice from the unit Chaplain or chain of command. It should be noted that the marriage of same sex couples is not lawful in Northern Ireland.

Overseas Marriage

20. The Marriage Act 1949 allows members of the Armed Forces, civilians subject to service discipline, and their children, to enter into a civil or a religious marriage overseas under the provisions of UK legislation.

With effect from 3 Jun 14, the procedures applying to such marriages will depend on the part of the United Kingdom in which the couple wish their marriage to be registered. Marriages to be registered in England & Wales, or Scotland, will take place under the provisions of The Overseas Marriage (Armed Forces) Order 2014. These revised arrangements will be reflected in Standing Orders. Marriages to be registered in Northern Ireland, which must be opposite sex marriages, will take place under the provisions of The Foreign Marriage (Armed Forces) Order 1964.

21. Couples wishing to marry overseas, including same sex couples, should in the first instance contact their chain of command or Service chaplain for more detailed information on the procedures to be followed. There is no separate registration of buildings for purposes of marriage overseas.

J.6103. Marriages Outside the United Kingdom under Foreign Marriage Acts

1. The Foreign Marriage Acts 1892–1947 and the Foreign Marriage (Armed Forces) Order 1964 provide for marriages to be solemnized and registered in any foreign territory by a chaplain serving with any part of the Armed Forces of the Crown in that territory, or by an authorized person. (*Navy only.*) At present no Naval Chaplain is an authorized person.

2. Persons who wish to marry under the provisions of the Acts should obtain early advice in order to ensure that they may have sufficient time to comply with the necessary formalities.

3. Before a marriage can be solemnized under these Acts the chaplain or authorized person must be in possession of a certificate signed by or on behalf of the Senior Officer of the Service in the territory.

4. A person wishing to be married must give notice to their Commanding Officer with the following particulars regarding themselves and (so far as they are within their knowledge) the other party to the marriage:

- a. Full name.
- b. Age.
- c. Nationality.
- d. Condition (bachelor, spinster, widower, widow, divorced).
- e. If a member of the Forces, full Service particulars (or, if a female as in Article 2 of the Order, the exact employment held).
- f. Home address, or if none, residence and names of next-of-kin.
- g. Full name, address, rank and profession of father.

5. After checking the particulars as far as possible from the records available to them, the Commanding Officer is to ensure that the notice is endorsed with the name of the chaplain or authorized person who is to officiate at the ceremony and forward it to the Senior Officer for approval. When the Senior Officer has reached a decision on the application they will notify both the applicant and the chaplain of their decision.

6. If either of the parties is a minor the written consent of the parents or guardians of the minor is to be forwarded with the notice or, if consent is unobtainable, the reason is to be stated.

J.6104. Civil Registration of Births and Deaths in the United Kingdom

1. When a member of HM Forces dies in the United Kingdom their Commanding Officer is to ascertain whether the relatives have registered the death. If they have not the Commanding Officer is to notify the Registrar or is to ensure that notification is given by a convenient Service unit or establishment.

2. Personnel are themselves responsible for notifying to the local civilian Registrar births and deaths which occur in their families.

J.6105. Service Registration of Births, Deaths and Marriages outside the United Kingdom

1. The Registration of Births, Deaths and Marriages (Special Provisions) Act 1957, and the Service Departments Registers Orders 1959, 1963 and 1988 made thereunder provide for the registration of births, deaths, still births, marriages and civil partnerships occurring outside the United Kingdom among members of the Armed Forces and civilians serving or working with them, and the families of such persons, and of deaths and births occurring on board Her Majesty's ships or aircraft. Advice on this topic is to be sought from the General Register Office for England and Wales.

2. Registration under the provisions of the Act is not to be applied in respect of births, deaths and marriages occurring to locally-engaged personnel or their families, or to locally-engaged servants, or to any persons who have no domicile in or connection with the United Kingdom such as would justify entries in the records of the General Register Office.

3. **Method of Registration.** Service personnel and civilians are responsible for ensuring the registration of their own marriages and of the births, deaths or marriages which occur in their families.

4. **Registration in Special Cases.** Attention is drawn to the conditions applying to late registrations (i.e. more than 12 months after the date of a birth, death or marriage) and to the registration or re-registration of births of legitimated children. Where it may be necessary to presume death (or in other circumstances where there is no 'qualified informant') no registration is to be effected, but full details are to be reported to the Ministry of Defence (NP Sec (P&P)2) who will ask the Registrar-General to authorize registration of the death. If they approve, they will give the necessary authority to the Overseas Registration Section at the General Register Office, Southport. The late registration is then made in registers held by that office. (*Navy only.*) See Chapter 57 and JSP 318, *Military Flying Regulations* concerning the presumption of deaths resulting from naval aircraft accidents.

5. **Registration of Marriages Under the Foreign Marriage Acts.** The officiating Chaplain is responsible for initiating the registration of a marriage solemnized under the provisions of the Foreign Marriage Acts.

6. **Responsibilities of Commanding Officers.** On the death of a member of HM Forces or of a civilian serving or working with the Forces (excluding those specified in Clause 2 above), the Commanding Officer is to ensure that the necessary action is taken to effect registration. (*Navy only.*) Registration of any death in a ship registered under the Merchant Shipping Acts, for example a Royal Fleet Auxiliary, is the responsibility of the Master.

J.6106. Local Registration of Births and Deaths outside the United Kingdom

1. In addition to registration under the law of the United Kingdom local registration as required by the law of the country or colony must be complied with by Service personnel in respect of births and deaths occurring in their families. Commanding Officers are to ensure that the attention of all concerned is drawn to this requirement.

6107. Record of Deaths and Births in Ship's Log

1. (*Navy only.*) In addition to the reports on deaths required by Chapters 51 and 52, the Commanding Officer is to record particulars in the Ship's Log of any death or birth whatsoever occurring on board the ship or of the death of any officer or rating belonging to the ship while on detached service.

6108–6120. Unallocated.

SECTION II - BANNS OF MARRIAGE IN HM SHIPS AT SEA

6121. Naval Marriages Act, 1908, and Marriage Act, 1949, Section 14 (1)

1. Under these Acts the duty of publishing the banns of marriage of officers and personnel borne on the books of Her Majesty's ships at sea devolves upon naval Chaplains and Commanding Officers, who are to be guided by the following instructions.
2. These provisions are not applicable to persons other than officers and personnel of the naval service borne on the books of Her Majesty's ships at sea. They do not apply to officers and personnel of the Army and Royal Air Force, although they may be borne on ships' books, nor to canteen staff except when entered on naval engagements in time of war.
3. Officers and ratings serving in shore establishments or in ships permanently stationed in harbour must make their own arrangements for the publishing of banns in the appropriate parish church. If, however, they wish to be married in a Service chapel licensed for marriages they may as an alternative apply for their banns to be published in such chapel.

6122. Application of Banns of Marriage

1. The publishing of banns of marriage under the Naval Marriages Act, 1908, and the Marriage Act, 1949, is applicable only to marriages to be solemnized in England, Wales or Northern Ireland, and is subject to the following conditions. Where banns are inapplicable, the procedure is by 'Notice of Marriage', see Section III. These Acts do not extend to Scotland, and neither banns nor notice of marriage on board ship is appropriate in respect of a marriage in Scotland. See Section III, [Para 6136](#).
2. A marriage after publication of banns under Section 14 (1) of the Marriage Act, 1949, when it is to be solemnized in England or Wales, may only take place according to the rites of the Church of England or of the Church in Wales, and in one of the churches or chapels where the banns shall have been published and within three months of the completion of the publication of those banns.
3. A marriage after the publication of banns under the Naval Marriages Act, 1908, when it is to be solemnized in Northern Ireland, may only take place according to the rites of the Church of Ireland in the church of the parish where the woman resides and between parties both of whom are Protestant Episcopalians; or in a certified Presbyterian place of public worship frequented by the congregation of which the woman is a member and between parties both of whom are Presbyterians.

6123. Request for Publication of Banns

1. An officer or rating who desire to have their banns published are required to complete and sign Form S.571, *Request for Publication of Banns*.
2. It is to be pointed out to the person requesting publication that it will be necessary in England or Wales for the banns to be published also in the church of the parish where the woman resides, or, provided she is qualified, in a naval, military, or air force chapel duly licensed under the Marriage Act, 1949, and situated in that parish.

If the marriage is to take place in a church which is the usual place of worship of either of the parties, and which is not situated within the parish in which the woman resides, banns must be published in that church as well as in the church of the parish in which she resides; but for this purpose no church or chapel should be regarded as the usual place of worship of any person unless he or she is enrolled on the church electoral roll of the area in which it is situated.

3. In Northern Ireland it is necessary that banns should also be published in the church of the parish where the woman resides and where the marriage is to be solemnized, or in the certified Presbyterian place of public worship frequented by the congregation of which the woman is a member and where the marriage is to be solemnized, and the applicant is to be asked whether the woman understands and agrees that the marriage is to be after the publication of banns and is to be solemnized in the church of the parish where she resides, or in such Presbyterian place of worship as aforesaid, as the case may be.

6124. Publication of Banns

1. The chaplain (or, if there is no chaplain, the Commanding Officer) is to enter particulars of the banns in Form S.572, *Banns of Marriage Book*.

2. The banns are to be published from the *Banns of Marriage Book* on three successive Sundays at morning service on board the ship.

3. After the third publication of the banns the chaplain (or Commanding Officer) is to record in the *Banns of Marriage Book* the dates when the banns were published and sign the entry.

6125. Forbidding of Banns

1. Banns may be lawfully forbidden upon the following grounds:

- a. That either of the parties to the intended marriage has a husband or wife living at the time.
- b. That the parties to the intended marriage are related within the prohibited degrees of consanguinity or affinity.
- c. That either party is under 16 years of age.
- d. That either of the parties is an idiot or a lunatic.

2. If either of the parties is under 18 years of age, the banns may be forbidden by the person or persons whose consent would be required if the marriage was intended to be solemnized otherwise than after the publication of banns. In Northern Ireland, written consent on a prescribed form, or an order of a court dispensing with consent, is necessary for the marriage of any minor.

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6126. Certificate of the Publication of Banns

1. Unless the banns have been forbidden, the Certificate of Publication in the *Banns of Marriage Book* is to be completed and handed to the party at whose request the banns were published.
2. If the banns have been forbidden on any of the grounds on which banns may be forbidden, no certificate is to be given.

6127. Disposal of Records

1. The Forms S.571, *Request for Publications of Banns of Marriage*, and Form S.572, *Banns of Marriage Book*, are to be forwarded by the Commanding Officer to the Ministry of Defence when the ship pays off.

6128–6130. Unallocated

SECTION III - NOTICE OF MARRIAGE IN HM SHIPS AT SEA

6131. Naval Marriages Act, 1908, and Marriage Act, 1949, Section 39 and Marriage Act, 1983

1. Under these Acts, Captains have to perform certain of the duties of Registrars of Marriages with regard to the receiving of notices of marriages which are intended to be contracted without the publication of banns, and the duty of giving certificates to enable such marriages to take place.
2. These provisions are not applicable to persons other than officers, sailors and marines borne on the books of Her Majesty's ships at sea, see [Section II](#).

6132. Application of Notice of Marriage

1. The procedure of notice of marriage under the Naval Marriages Act, 1908, and the Marriage Act, 1949, is applicable only to marriages to be solemnized in England, Wales, or Northern Ireland, and under the following conditions:
 - a. When the applicant wishes to be married in England or Wales at any registered place of worship other than a church or chapel of the Church of England or of the Church in Wales, or before a Superintendent Registrar, or according to the usages of the Quakers or Jews.
 - b. When the marriage is intended to be contracted or solemnized in Northern Ireland by the licence or certificate of a District Registrar of Marriages.

6133. Giving Notice of Marriage

1. An officer or sailor who desires to give notice of marriage is to be required to fill up and sign one of the following forms in the presence of the Commanding Officer, who must also sign it as a witness. The Commanding Officer should be satisfied that the party giving the notice has read and understands the declarations which are annexed to the notice.
 - a. S.570, Notice of Marriage for Marriages in England or Wales.

6134. Notice of Marriage given to the Commanding Officer On Board HM Ships

1. In addition to the provisions of S.14 (see [Para 6121–Para 6122](#)), a member of the clergy may at their discretion, allow a marriage according to Anglican rites under section 39 of the Marriage Act 1949. Under S.39, a marriage may be solemnized in England or Wales after notice given by an officer, sailor or marine to the Commanding Officer on board one of Her Majesty's ships at sea. The other party must give notice by certificate without licence to the superintendent registrar for the district of that party's residence but must not give such until the Commanding Officer on board ship has issued a certificate. The place of marriage must be stated in both notices and the marriage must take place where stated. It should be noted that authorities for marriage are not interchangeable. A clergyman should be satisfied that either:

BRd 2

- a. Banns have been published in respect of both parties to the marriage (i.e. banns in a church or chapel in this country and banns by the chaplain, or Commanding Officer on board ship); or
- b. Notice of marriage has been given in respect of both parties to the marriage (i.e. notice of marriage to a superintendent registrar in this country and notice of marriage to the Commanding Officer on board ship).

Under no circumstances must a marriage proceed on the authority of a certificate of publication of banns in respect of one party and a certificate after notice to a superintendent registrar or Commanding Officer in respect of the other party. It should be noted that where preliminaries to marriage are contemplated on board HM ships in respect of a marriage in this country to a detained or housebound person at the place of their residence, notice should be given to the Commanding Officer since publication of banns does not constitute authority for such a marriage.

2. Persons giving notice of marriage are to be warned that they are liable to the penalties of perjury if they wilfully make any false declarations or sign any false notice of marriage.
3. It is to be pointed out to the person giving notice that it will be necessary for the woman:
 - a. In the case of a marriage in England or Wales, to give notice to the Superintendent Registrar of the district where she resides, but that this cannot be done until the Commanding Officer's certificate (see [Para 6139](#)) has been issued; time must therefore be allowed after issue of the Commanding Officer's certificate for the woman to give it to the Superintendent Registrar at least 21 days before the intended date of the marriage.
 - b. In the case of a marriage in Northern Ireland, to give notice at the same time to the District Registrar of the district where she resides.

6135. Publication of Notice

1. Particulars of the notice of marriage are to be entered in the appropriate (England and Wales, or Northern Ireland) section of Form S.574, *Marriage Notice Book*, and the entry is to be signed by the applicant. *The Marriage Notice Book* is to be open at all reasonable times, without fee, to all persons applying to the Commanding Officer for facilities to inspect it.
2. On the same day as the entry is made in the *Marriage Notice Book*, a public notice of the marriage is to be exhibited in some conspicuous place in the ship. If the marriage is intended to be celebrated in England, Wales, or Northern Ireland, the public notice must be an exact copy of the original notice on Form S.570 or S.570b, as appropriate.
3. The public notice is to remain exhibited for 15 days.

6136. Marriages in Scotland

1. All marriages in Scotland must be preceded by marriage preliminaries in Scotland, and there is no alternative procedure available to officers and personnel borne on the books of Her Majesty's ships at sea.
2. Each party to a marriage in Scotland must complete and submit a marriage notice to the Registrar of the registration district in which the marriage is to take place, preferably about four to six weeks before the date of the intended marriage. The minimum period of notice that must be given is 14 clear days ie the Registrar must receive both notices at least 15 days and no more than 3 months before the date of the proposed marriage. This procedure applies to all persons intending to marry in Scotland, whether or not they are residents in Scotland, and regardless of whether a religious marriage or a civil marriage is intended.
3. Marriage notice forms are obtainable from any local Registrar of Births, Deaths and Marriages in Scotland. Personal attendance for the purpose of giving notice is not essential, and provided the form is signed and dated by the person giving notice, the form may be delivered to the Registrar by a relative or friend, or may be submitted by post.

6137. Northern Ireland Marriages

1. All marriages in Northern Ireland must be preceded by marriage preliminaries in Northern Ireland, and there is no alternative procedure available to officers and personnel borne on the books of Her Majesty's ships at sea.
2. Each party to a marriage in Northern Ireland must complete and submit a marriage notice to the Registrar of the registration district in which the marriage is to take place. Notice must be served no less than 14 days and no earlier than one year before the intended date of marriage. This procedure applies to all persons intending to marry in Northern Ireland, whether or not they are residents in Northern Ireland, and regardless of whether a religious marriage or a civil marriage is intended. A religious marriage may only be performed by a registered officiant who must also sign the notice form.
3. Marriage notice forms are obtainable from any local Registrar of Births, Deaths and Marriages in Northern Ireland and online at www.nidirect.gov.uk. Personal attendance for the purpose of giving notice is not essential, and provided the form is signed and dated by the person giving notice, the form may be delivered to the Registrar by a relative or friend, or may be submitted by post.
4. If the marriage is intended to be contracted in the office of the Registrar, and there is not any minister of the church, chapel, or place of public worship which the woman usually attends, and the parties are not Jews or Quakers, the Commanding officer must, at the expense of the party who gave the notice, cause a copy of the notice to be published once at least in two consecutive weeks, as soon as practicable after the notice has been received, in some newspaper circulating in the district in which the marriage is intended, or, if there is not any newspaper circulating in such district, in some newspaper circulating in the county in which the district is situated.

6138. Objections to Marriage

1. At any time before the issue of a certificate the issue of the certificate may be 'forbidden' or 'objected to'.
2. Any person whose consent to the marriage of a minor is required by law may forbid the issue of a certificate for the marriage of the minor by writing the word 'Forbidden' opposite the entry of notice of marriage in the *Marriage Notice Book*, signing his or her name and signifying his or her place of abode and the character in respect of either of the parties by reason of which his or her consent is so required. Should any lawful impediment be alleged to exist to a marriage of which the Commanding Officer has received notice, he/she must decline to issue the certificate until he/she is satisfied that no sufficient evidence of such alleged impediment has been adduced.
3. If the objections do not set forth a legal impediment to marriage, but relate merely to some formality or statutory requirement, the Commanding Officer may direct the notice to be amended and a certificate granted thereon without re-publication of the notice if the Commanding officer shall see fit, or to be cancelled if the Commanding Officer shall see fit, in which case a fresh notice of marriage may be given.
4. If the objection is that the persons intending to contract marriage are within the forbidden degrees of consanguinity or affinity, or are both or either of them already married, or are both or either of them not of marriageable age, or are from any other legal incapacity disqualified to give such consent as is necessary for marriage, and generally where the objection sets forth any legal impediment to a marriage, the Commanding Officer must suspend the issuing of his certificate until there is produced to him a certified copy of a judgment of a competent court of law to the effect that the parties are not, in respect of the said objection, disqualified from contracting marriage.

6139. Certificate of Marriage

1. If the issue of the certificate has not been forbidden or objected to, the Commanding Officer must, after the expiration of the period of 15 days sign a certificate on the form below, and hand it to the person who gave the notice of marriage:
 - a. S.573, Certificate for a Marriage in England or Wales.
 - b. S.573b, Certificate for a Marriage in Northern Ireland.

6140. Disposal of Records

1. The original Forms S.570, and S.570b, *Notice of Marriage*, and Form S.574, *Marriage Notice Book*, are to be forwarded by the Commanding Officer to the Ministry of Defence (CS (Records)) when the ship pays off.

6141-6150. Unallocated

ANNEX 61A

MARRIAGES OF SAME SEX COUPLES

1. The arrangements for the marriage of a same sex couple (MSSC) differ from that of an opposite sex couple in two key areas:
 - a. The registration of an armed forces chapel for same sex marriages;
 - b. The appointment of an authorised person to solemnise a same sex marriage;
 - c. If overseas, the government of the host nation must have previously confirmed that they have no objections to same sex marriages being conducted within their territory (see [Para 18](#)).

Registration of Chapels

2. There is no automatic registration of armed forces chapels for the purposes of MSSC. The Secretary of State has powers under section 5 of the Marriage (Same Sex Couples) Act 2013 to apply for chapels to be registered, and the Marriage of Same Sex Couples (Use of Armed Forces' Chapels) Regulations 2014 lay down the procedures relating to this function.
3. A same sex couple who wish to marry in an armed forces chapel must either use a chapel which is already registered for MSSC, or apply for a different chapel to be registered. The process for such an application is set out in the attached flow chart. Couples are strongly advised not to enter into any commitments relating to the marriage until a decision has been made on whether or not an application for registration will be made. Every effort will be made to reach a decision within 6 weeks of the application.
4. Same sex couples wishing to marry should note two points in particular. First, it is their responsibility to initiate the process which could lead to registration of an armed forces chapel for MSSC. Second, the procedures for appointing an authorised person, set out in more detail below, reflect the legal requirement that not only must the minister of religion be willing to be present, but the governing authorities of the relevant religious organisation must have "opted in" to MSSC and to have signified this in writing. At the time of publishing this guidance (Jan 18), only the United Reform Church and Baptist Union of Great Britain have signed to opt in to MSSC; none of the other denominations which provide Chaplains to the Armed Forces (the Sending Churches) have opted in to MSSC. To date, one Chaplain has been authorized to conduct MSSC at St.Barbara's Church, Whale Island.
5. The remainder of this guidance should therefore be read as applying to the United Reform Church and Baptist Union of Great Britain, and if and when other Sending Churches opt in to MSSC. The nominated MOD office, to which an application for an armed forces chapel to be registered for MSSC should be addressed, is as follows:

DCL-Legislation
Defence Personnel Secretariat
Zone 6K
Main Building
Whitehall
London SW1A 2HB

Appointment of Authorised Persons.

6. Section 43B of the Marriage Act 1949 deals with the authorisation of persons to be present at marriages of same sex couples in an armed forces chapel in England and Wales which is registered for such marriages. The process for appointing an authorised person is essentially the same as that for opposite sex marriages, but is quite separate. It should not be assumed that a person authorised to solemnise an opposite sex marriage at a chapel, will be authorised for an MSSC.

7. It should be noted that under the terms of the Marriage (Same Sex Couples) Act 2013, clergy of the Church of England and the Church in Wales cannot lawfully solemnise the marriage of a same sex couple, and therefore cannot be authorised for that purpose.

First Authorisation

8. The Regulations governing the registration of armed forces chapels in England and Wales for MSSC, specify that the Secretary of State will make a decision on whether and when to apply for registration of a chapel, having due regard to a number of matters. Those matters include whether a person has agreed to be authorised under Section 43B, and **“whether ... the Secretary of State would so authorise that person”**.

9. This means that the Secretary of State will need to be satisfied - before he or she applies for the chapel to be registered - that the person whom the same sex couple wish to be present at their marriage is willing to be present and is, in his or her view, a suitable and appropriate person to be authorised. Couples should ask their unit chaplain for advice, if they need it, on the implications of these rules and the options open to them.

10. The Secretary of State will only authorise a person under Section 43B who:

- a. is ordained or accredited by a Sending Church which has given its written consent to the use of its rites for the marriage of same sex couples (ie it has “opted in”).
- b. has confirmed that he/she is personally willing to be authorised for this purpose, and is content to preside at or be present at a marriage of a same sex couple using only the rites of their Sending Church.

11. As noted above, authorisation of a person to be present at an MSSC is a separate procedure from authorisation to be present at the marriage of an opposite sex couple. Nevertheless, if the person who is already (or will be) authorised to be present at the marriage of opposite sex couples at that chapel, meets the criteria in [Para 10](#) above, the normal practice will be to authorise the same person for MSSC under Section 43B.

12. If the person who is authorised to be present at the marriage of opposite sex couples at that chapel does not meet both of the above criteria, the Secretary of State will consider a proposal to appoint another person who does meet the criteria, taking into account the following additional criteria:

- a. that he or she is a chaplain currently serving with the UK armed forces;
- b. that he or she has links to the local Service community;

A person who does not meet these criteria is unlikely to be authorised.

13. Immediately after the registration of an armed forces chapel for MSSC under Section 70A of the Marriage Act, an authorised person will be appointed under Section 43B to be present at the marriage (this will normally be the person identified in the same sex couple's application as willing to be authorised).

Exceptional Arrangements

14. The previous section outlined how an authorised person would be appointed. Once that appointment is made, it remains possible for a couple to apply to be married by someone other than the authorised person for that chapel. This will not necessarily be agreed; [Para 10](#)-[Para 14](#) of the main guidance set out the procedures to be followed. However in the case of MSSC, certain additional factors may apply.

15. An example is where the couple's proposal means that the marriage would take place according to the rites of a denomination, other than that of the authorised person (ie not just a different minister of the same denomination). In such cases, as well as their normal consideration of the suitability of the person nominated, the Head of Chaplaincy will need to satisfy themselves that the relevant religious organisation is a Sending Church which has given its consent to its rites being used for MSSC.

Subsequent Authorisation

16. An authorisation to be present at the marriage of a same sex couple is personal. Where a chaplain who has been authorised under Section 43B, in accordance with the previous section, leaves his or her post (or otherwise ceases to have the connection on which that authorisation is based), the authorisation will be withdrawn. His or her successor in post will not automatically be authorised under Section 43B simply by virtue of his/her appointment.

17. Should a same sex couple wish to marry in an armed forces chapel registered for MSSC, once the chaplain authorised at the time of registration is no longer so authorised, the relevant Head of Chaplaincy will consider the options for appointing a suitable chaplain under Section 43B:

- a. if the incumbent chaplain meets both criteria in [Para 10](#) above, then he or she will be recommended to be authorised under Section 43B;
- b. if the incumbent chaplain does not meet both criteria, or a chaplain has not been appointed, the relevant Head of Chaplaincy will seek to make alternative arrangements to enable the marriage to proceed, drawing on the criteria set out earlier in these guidelines.

Overseas

18. A same sex couple seeking to marry at an overseas Service location should first approach their Commanding Officer for confirmation that the government of the host nation has given the Secretary of State for Defence written confirmation that they have no objection to same sex marriages being conducted in their territory. Without such confirmation, it is very unlikely that a marriage between a same sex couple will be able to be arranged at that location.