

Marriage after Common Licence for British, Irish or Relevant Nationals Only

From 1 July 2021 only British, Irish or those foreign nationals from countries in the European Economic Area (EEA) and who have EU Settled or Pre-Settled Status are classed as '*relevant nationals*' under the EU Settlement Scheme (EUSS). Therefore, if both members of the couple are relevant nationals, they may be married by Common Licence.

Applications reserved to the Chancellor

Application for a Common Licence must be made to the Chancellor or a surrogate. Applications are normally made to a surrogate except where the application falls within any of the following cases which are reserved to the Chancellor:

- (a) either party cannot produce a valid passport showing that party to be a British, Irish or relevant national (including supporting papers proving settled or pre-settled status)
- (b) the marriage is between persons who are within any of the degrees of affinity specified in Part 2 of Schedule 1 to the Marriage Act 1949¹
- (c) a caveat has been entered against the grant of a common licence
- (d) a party has been married and divorced more than once
- (e) where one or both of the parties is not baptized and one or both is unwilling to sign a declaration that he or she does not reject the Christian faith
- (f) any case where a question arises as to whether a Common Licence may lawfully be issued.

Surrogates

A list of surrogates can be found on the diocesan website. Diocesan Surrogates may see couples who qualify to marry in any part of the Diocese of Oxford, however, Archdeaconry Surrogates can only see couples who wish to marry in their particular Archdeaconry. The Surrogate cannot issue the Common Licence, but can take the affidavit sworn by applicants. The Licences enabling the marriage are issued by the Diocesan Registrar after consultation, if necessary, with the Chancellor or Archdeacons.

¹ Child of former civil partner
Child of former spouse
Former civil partner of grandparent
Former civil partner of parent
Former spouse of grandparent
Former spouse of parent
Grandchild of former civil partner
Grandchild of former spouse

Qualifying for a Common Licence

A Common Licence can only be granted if one of the parties has resided in the parish in which the marriage is to take place for at least the *fifteen days immediately before swearing an Affidavit before a surrogate* **or** is on the Church Electoral Roll of that parish, **or** can substantiate a qualifying connection under the Marriage Measure 2008 (*please see separate note*).

Unbaptised Individuals

The granting of a Common Licence is discretionary and not a matter of right. In the case of applications where neither of the parties has been baptised, or where one only has been baptised, any unbaptised party is required to sign a declaration that he or she does not reject the Christian faith.

Divorced Persons

The Bishop permits Common Licences to be granted when either of the parties has been divorced and has a former partner still living provided that the House of Bishops' guidance to clergy is followed ([House of Bishops' Guidelines for Clergy](#)). Surrogates are required to take great care to satisfy themselves that the statements made by applicants for a Common Licence are true before the licence is issued. The applicants must produce to the Surrogate a completed questionnaire, countersigned by the clergy concerned ([Marriage in Church after Divorce statement](#)), together with a copy of the Decree Absolute for production to the Diocesan Registrar.

Situations where a Common Licence may be required

The majority of Common Licence applications arise for British nationals living overseas who are planning to return to the UK to be married or for emergency applications where banns have been forgotten or read in the wrong location, although other situations may also apply. (Please note, if couples returning from overseas include a national without EU settled or pre-settled status, they will have to be married by Superintendent Registrar's Marriage Schedule so please see our separate note and/or contact the local Superintendent Registrar for further information.)

Emergency Situations

If an emergency Common Licence is required, please contact Sara Leader on 01865 297211 for assistance.

Fees

Details of the current licence fees can be obtained from a surrogate or from the Diocesan Registry (contact the Registry Manager, Sara Leader on 01865 297211).

Validity Period

Common Licences are valid for three months and so the marriage must take place within that period. A marriage solemnised after that period without further authority, such as publication of three sets of banns or under the authority of a further Common Licence, is void.

Application Form

If a couple require a Common Licence, please arrange for them to complete our application form (on the Diocesan website) and email it to Sara Leader together with scans of their supporting documents so that these can be checked before they meet with a surrogate.

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