

SECTION 3C

CONDUCT OF MARRIAGE SERVICES (CODE OF GOOD PRACTICE)

The code which follows was submitted to the General Assembly in 1997. It appears, on page 1/10, in the Volume of Assembly Reports for that year within the Report of the Board of Practice and Procedure.

1. *Marriage in the Church of Scotland is solemnised by an ordained minister in a religious ceremony wherein, before God, and in the presence of the minister and at least two competent witnesses, the parties covenant together to take each other as husband and wife as long as they both shall live, and the minister declares the parties to be husband and wife. Before solemnising a marriage, a minister must be assured that the necessary legal requirements are being complied with and that the parties know of no legal impediment to their marriage, and he or she must afterwards ensure that the Marriage Schedule is duly completed. (Act I 1977)*
2. Any ordained minister of the Church of Scotland who is a member of Presbytery or who holds a current Ministerial Certificate may officiate at a marriage service (see Act II 1987).
3. While the marriage service should normally take place in church, a minister may, at his or her discretion, officiate at a marriage service outwith church premises. Wherever conducted, the ceremony will be such as to reflect appropriately both the joy and the solemnity of the occasion. In particular, a minister shall ensure that nothing is done which would bring the Church and its teaching into disrepute.
4. A minister agreeing to conduct a wedding should endeavour to establish a pastoral relationship with the couple within which adequate pre-marriage preparation and subsequent pastoral care may be given.
5. ‘A minister should not refuse to perform ministerial functions for a person who is resident in his or her parish without sufficient reason’ (Cox, *Practice and Procedure in the Church of Scotland*, sixth edition, page 55). Where either party to the proposed marriage has been divorced and the former spouse is still alive, the minister invited to officiate may solemnise such a marriage, having regard to the guidelines in the Act anent the Remarriage of Divorced Persons (Act XXVI 1959 as amended by Act II 1985).
6. A minister is acting as an agent of the National Church which is committed to bringing the ordinances of religion to the people of Scotland through a territorial ministry. As such, he or she shall not be entitled to charge a fee or allow a fee to be charged for conducting a marriage service. When a gift is spontaneously offered to a minister as a token of appreciation, the above consideration should not be taken to mean that he or she should not accept such an unsolicited gift. The Financial Board of a congregation is at liberty to set fees to cover such costs as heat and light, and in addition Organists and Church Officers are entitled to a fee in respect of their services at weddings.

7. A minister should not allow his or her name to be associated with any commercial enterprise that provides facilities for weddings.
8. A minister is not at liberty to enter the bounds of another minister's parish to perform ministerial functions without the previous consent of the minister of that parish. In terms of Act VIII 1933, a minister may 'officiate at a marriage or funeral by private invitation', but, for the avoidance of doubt, an invitation conveyed through a commercial enterprise shall not be regarded as a 'private invitation' within the meaning of that Act.
9. A minister invited to officiate at a Marriage Service where neither party is a member of his or her congregation or is resident within his or her own parish or has any connection with the parish within which the service is to take place should observe the following courtesies:
 - (a) he or she should ascertain from the parties whether either of them has a Church of Scotland connection or has approached the appropriate parish minister(s);
 - (b) if it transpires that a ministerial colleague has declined to officiate, then he or she (the invited minister) should ascertain the reasons therefor and shall take these and all other relevant factors into account in deciding whether or not to officiate.