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WEDDING IN ENGLAND

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Abstract: This article is written about the wedding ceremony in England, its various customs and wedding ceremonies.

Keyword: England wedding, the Marriage Act 1949, common-law marriage, Law Commission, England marriage, authorised.

How it is understood today has been shaped by the various intersecting spheres of influence in modern life. We shall thus consider how the legal, social, religious, cultural and political have combined to inform our understanding. English statutory law provides little insight into what marriage is; the Marriage Act 1949 outlines the procedures as to how a marriage can be solemnized and registered, but no qualitative description.

Marriage far predates both the State and religious organisations, yet understandings of marriage in England in the last 200 years have been directed by the laws of these institutions. Since the 1970s, marriage, as an institution and a social phenomenon, has undergone radical change. Many social and political commentators have identified this recent period as a critical juncture in the long history of marriage, citing a looming crisis as marriage rates fall, divorce rates rise, and traditional family structures destabilise. 1 In 2009 the lowest marriage rates ever were recorded in England and Wales, with just 21.4 males marrying per 1000 unmarried men aged 16 and over and 19.3 females. In comparison, 1972 saw a record high, with 78.4 unmarried men per 1000 marrying and 60.5 unmarried women.

Marriage is available in England and Wales to both opposite and is legally recognised in the forms of religious marriage. Marriage laws have historically evolved separately from marriage laws in other jurisdictions in the United Kingdom. There is a distinction between religious marriages, conducted by an authorised religious celebrant and civil marriages conducted by a state registrar. The legal minimum age to enter into a marriage in England and Wales is eighteen years. Certain relatives are not allowed to

ISSN (E): 2181-4570

marry. For foreign nationals, there are also residency conditions that have to be met before people can be married.

We are confident from the experience in those other jurisdictions that giving couples wider choice over locations does not result in weddings taking place in inappropriate venues. The officiant's responsibility to consider safety and dignity is a clear safeguard in that respect. Further, the shift towards giving couples more options about where they can get married is already underway in England and Wales. It has recently been made possible for a civil wedding to take place in the grounds of approved premises. Government also intends to amend the law to make similar provision for weddings to take place on the grounds of registered places of worship and Anglican churches and chapels. These recent reforms – which those responding to Government's consultation were "overwhelmingly" in favour of – show the demand among couples to be able to have, and venues to be able to offer, weddings outdoors.

The law regarding weddings in England and Wales has been under review by the Law Commission. In July 2022, the Commission released its final report finding these laws confusing and outdated, and calling for a complete revision. The Commission noted, "the recommendations represent a comprehensive overhaul to current weddings law, the key parts of which date back to 1836 or even earlier."

Matters regarding divorce are resolved under English family law through the Family Justice System of England and Wales.

In the eyes of the State, marriage is a legal status, where certain rights are afforded. There is no legal recognition in England of „common-law marriage – a cohabiting couple in a „stable sexual relationship", with the same legal rights as married couples, despite their relationship not being formally recorded by the State or a religious registry.

This specifically prescribes that marriage is a lifelong union, between a man and a woman, for the purpose of procreation. However this is still a highly recognisable perception of marriage. Thus, regardless of religious affiliation or intensity of belief, religious understandings of marriage are still pertinent, but detached from their religious source. England and Wales were far behind almost every other common law jurisdiction (including Scotland, Northern Ireland, and other countries) in reforming its outdated wedding laws.

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The ability to officiate at weddings will not be subject to a fixed-time limit. For civil marriages notices must be posted for 28 clear days, at the appropriate register office. Church of England marriages require the banns to be read out three times at the appropriate church or churches unless a Special Licence has been obtained. In most cases, the appropriate churches will be the parish churches where the parties reside and the one where the ceremony is to take place. Officiants will remain authorised unless or until they are de-authorised. Anglican clergy will be officiants as long as they remain authorised to exercise ordained ministry. The provision of their training, monitoring and, where necessary, their de-authorisation, will be matters for the Church of England and the Church in Wales. The training of nominated officiants may, if approved by the General Register Office, be provided by the nominating organisation or provided directly by the General Registrar Office. Primary responsibility for monitoring nominated officiants and requesting withdrawal of their authorisation if they fail to comply with the "fit and proper" person standard, or their duties or responsibilities, will lie with the organisation that nominated them. However, if the body who nominated them fails to act, the General Register Office will have the power to de-authorise nominated officiants who fail to comply with the "fit and proper" person standard or their duties or responsibilities. Local authorities will remain responsible for the training and monitoring of registration officers, whose ability to officiate is necessarily dependent on their continued employment in their roles.

After the beginning of the 17th century, gradual changes in English law meant the presence of an officiating priest or magistrate became necessary for a marriage to be lawful. Up until this point in England, clergy performed many clandestine marriages, such as so-called Fleet Marriage, which were held legally valid;[21] and in Scotland, unsolemnised common-law marriage was still valid.

The Marriage Duty Acts of 1694 and 1695 required that banns or marriage licences must be obtained. The 1753 Act also laid down rules for where marriages were allowed to take place, whom you were and were not allowed to marry, the requirement for at least two witnesses to be present at the marriage ceremony and set a minimum marriageable age. This led to the practice of couples who could not meet the conditions in England and Wales eloping to Scotland.

ISSN (E): 2181-4570

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