



NOTARY ADVICE – GETTING MARRIED ABROAD



hethertons
SOLICITORS

Your questions answered

By Phil Robinson

Q

My partner and I are due to get married in Cyprus in four months' time and my wedding planner has asked us to each swear a declaration to confirm that we are free to marry. My local solicitor has said that they cannot do this for me and recommended that I instruct a Notary Public. What is this declaration, and can you help us, please?

A

When UK citizens get married abroad, it is important that they take advice from their celebrant or wedding planner as to what is required for the jurisdiction in which they are getting married. Each country has its own strict requirements to govern weddings, and it is important to make sure that you comply with those requirements within the timeframes which are dictated.

It is very common for couples to have to prove to the state authorities or to the church within that jurisdiction that they are not already married to someone else, or that they are legally divorced, that they are not directly related and that within the laws of that country they are "free to marry".

This statement is usually completed by the applicant and then signed and sworn before an English legal officer, who is acceptable to the jurisdiction in which you are getting married. A Notary Public qualified in England & Wales will be acceptable to most foreign jurisdictions, whereby an English solicitor may not be, and this is why your solicitor has recommended you speak with a Notary.

It is also important that you swear the declaration within the required timeframes, as most jurisdictions will need the information before the date of the wedding, but may reject the declaration if it has been sworn more than three months ago. You should therefore time your meeting with the Notary Public accordingly.

Once you have completed the declaration, the document may need further legalisation either with an Apostille issued by the Foreign, Commonwealth & Development Office or with consular legalisation. A Notary Public will be able to advise on what is required for the country in which you are getting married and arrange this for you. This further legalisation may take several weeks, depending upon the country involved.

Q

I have been asked to produce a Certificate of Non-Impediment for my forthcoming marriage in China and that this must be legalised. Please can you assist me?

A

A Certificate of Non-Impediment is a document, which proves that you are currently single under the laws of the UK and must be obtained personally by you through your local registrar of births, deaths and marriages. This certificate can take up to 28 days for the authority to issue and is then valid for three months.

Once you have received the document, for the People's Republic of China, it will require an Apostille to be attached to the document by the Foreign, Commonwealth & Development Office. A Notary Public can assist you in arranging this, once you have received the document.

It is important to note that a Certificate of Non-Impediment will not be issued if you are getting married within a Commonwealth country. In those countries, the authorities can access the UK registries directly.



For further information, please contact
Phil Robinson on 01904 528212 or
at pr@hethertons.co.uk

hethertons.co.uk