

The General Secretary of the General Council was asked for a ruling on whether a Congregation – through its governing body - (Session/Board/Council) can set policy on whether a minister may conduct a same-sex marriage outside of church property.

He responded as follows:

I will refer simply to “marriages” since my ruling applies to both same-sex and opposite-sex marriages.

The governing body of a Congregation, the Session, Board or Council, has oversight of the spiritual interests of the Congregation. Section 153 of The Manual provides:

- (a) It shall be the duty of the Session to oversee:
 - v. the order of public worship, including the service of praise and the use of the church edifice;

In our church’s tradition, the marriage ceremony is understood as an act of public worship. For example, in 1960, the 19th General Council adopted a report entitled “Toward a Christian Understanding of Sex, Love, Marriage”. The authors of that report characterized the marriage ceremony in that way:

In the marriage service the church sets forth clearly what it believes about marriage and what is required of those who desire that their marriage should be blessed and solemnized in an act of common worship.

The service should be conducted only in a setting that is appropriate for common worship. Whether this is in the sanctuary of the church, a chapel, a home, or any other suitable place, the music and all else related to the conduct of the service should be harmonious with the worship of God. It is the responsibility of the minister to be assured that this is so...Even though a wedding be solemnized by a minister in the presence of only those witnesses required by law, it is, nevertheless, normally intended as an act of worship and should be conducted in that spirit.

Record of Proceedings, p. 169

In 1977, the 27th General Council adopted the following affirmation, which was included in the report of the Division in Mission in Canada:

We affirm that final responsibility for the significance and order of the marriage service and all matters related to the conduct of weddings rests with the Minister and the Session, in accordance with the Manual, Section 90(5).

The Congregation’s governing body has authority to set policies around marriage ceremonies that will be conducted as part of that Congregation’s worshipping life. As part of that policy, the governing body should address whether marriages may be performed outside of the church building in other private or public locations.

Since the marriage ceremony is celebrated as part of the Congregation's worshipping life, ministers hold licences to marry in order to allow them to participate in this vital part of the Congregation's life. In our church, not all Ministry Personnel are eligible for a licence to marry. Only certain categories of Ministry Personnel are eligible for a licence to marry, and even within those categories, ministers are granted a licence to marry because they are in a covenant relationship with a congregation or because the Conference deems it appropriate to fill other ministry needs.

Ministers who are settled in or appointed to a Pastoral Charge perform marriages as part of their pastoral relations duties. Ministers are not independent civil "marriage commissioners". Their entitlement to solemnize marriages comes from the pastoral relationship or the special circumstances of their ministry that the Conference has approved. It follows that ministers have no authority to perform marriages that are outside of the Congregation's marriages policy and - therefore - outside of the worshipping life of the Congregation.

That rationale also applies to marriages conducted by the minister on his or her "off-time". A minister who conducts a marriage ceremony does not do so as a private citizen but as a representative of the United Church. The minister holds a licence because of his/her status as a minister of the United Church, and because he/she meets the covenantal or other policy requirements that entitle him or her to a licence. In that sense, a minister never performs a marriage ceremony on "off-time". Solemnizing a marriage is always a ministry function for the minister – and part of the pastoral relationship where one exists.

It is therefore my ruling that where a minister is in a pastoral relationship with a Congregation, the minister must always comply with that Congregation's policies in all marriage ceremonies conducted by that minister.