

GETTING MARRIED IN ITALY



PW JENNINGS LLP

ITALIAN ADDRESS:

Via dei Banchi Nuovi 56

Rome, Italy, 00186

+39 3347436570

+44 7936287501

GETTING MARRIED IN ITALY



We can guide couples through each step of the legal process for getting married in Italy, ensuring that they obtain all the necessary permits:

Before a couple can legally marry or enter a civil partnership in Italy, they must meet certain legal requirements under both **Italian law** and **UK law**. Our role is to ensure that both partners satisfy these conditions, preventing any legal obstacles from delaying or invalidating the marriage.

Italian Legal Requirements

Italian marriage law is governed primarily by:

- **Codice Civile (Italian Civil Code), Articles 84–116** – which set out the conditions for marriage.
- **D.P.R. 396/2000 (Presidential Decree on Civil Status Regulations)** – which governs marriage registration and documentation requirements.

To be eligible to marry in Italy, the couple must:

- **Be at least 18 years old** (or 16 with court approval).
- **Not be currently married or in a civil partnership** anywhere in the world.
- **Not have a direct blood or adoptive relationship** (e.g., parent-child, siblings).
- **For women, not have been divorced in the last 300 days** unless they obtain a court waiver. This rule is based on **Article 89 of the Italian Civil Code** and exists to prevent potential disputes over paternity in case of pregnancy.
- **Provide proof of identity and nationality** (usually a passport).
- **Obtain a 'Nulla Osta' (certificate of no impediment)** or equivalent, proving there is no legal barrier to the marriage. For UK nationals, this is the CNI (Certificate of No Impediment).
- For **same-sex civil partnerships**, Italy allows civil unions but does not yet recognize same-sex marriages under **Law No. 76/2016 (Legge Cirinnà)**. Therefore, same-sex couples can enter into a civil partnership but not a full marriage under Italian law.

UK Legal Considerations

A marriage or civil partnership conducted in Italy will be recognized in the UK provided that:

- **The marriage or civil partnership follows Italian legal procedures.**
- **It would be considered legally valid under UK law.**
- **Both parties are free to marry according to UK law.**

The UK **Marriage Act 1949** and **Civil Partnership Act 2004** outline the conditions for legal recognition of foreign marriages and partnerships. UK law requires that:

The couple must not already be married or in a civil partnership.

The marriage must not involve **prohibited degrees of relationship** (e.g., close family members).

If either party is under 18, parental consent may be required in the UK.

Additionally, certain previous marriages or civil partnerships may impact eligibility:

If either partner has been previously married or in a civil partnership, they must provide **official proof of divorce or dissolution** (e.g., a final decree of divorce).

If a partner was widowed, they must present a **death certificate of the former spouse or partner**.

How We Assist with Eligibility Checks

We will:

- **Conduct a pre-marriage eligibility assessment** based on both Italian and UK laws.
- **Review personal and marital status documents** to confirm legal eligibility.
- **Assist women who have been divorced for less than 300 days** in obtaining a waiver from the Italian court, if necessary.
- **Coordinate with local Italian authorities** to ensure compliance with legal requirements.

By handling these legal formalities, we ensure that our clients can proceed with confidence, knowing they meet all necessary conditions for marriage or civil partnership in Italy.

Would you like us to further expand on any specific eligibility aspect?

Step 2: Obtaining a Certificate of No Impediment (CNI)

We will guide couples through the process of obtaining a CNI from the UK, which is required for British nationals living in the UK. This involves:

Booking an appointment at a UK register office to give notice.

Ensuring that the names on the CNI match the names on the couple's passports.

Advising on the timing, as the CNI is valid for six months.

Step 3: Legalisation and Translation

Before the CNI can be used in Italy, it must be legalised and translated. We will:

- Arrange for the CNI to be apostilled (legalised with an official stamp).
- Ensure that a bilingual statutory declaration is signed before a UK notary public and apostilled.
- Provide professional translation services for all necessary documents.

Step 4: Additional Documentation

Italian authorities may require further documents. We will:

- Determine what additional paperwork is needed based on the couple's circumstances.
- Ensure that all required documents are translated and apostilled as necessary.

Step 5: Coordination with Italian Authorities

We will liaise with the relevant Italian local authorities and the officiant of the ceremony to:

- Confirm all required documentation is in order.
- Ensure compliance with local timelines and procedures.

Step 6: Marriage Registration and Certificate

Since marriages in Italy are registered under Italian law, we will:

- Advise on obtaining an official Italian marriage certificate.
- Arrange for certified translations of the marriage certificate for use outside of Italy.

Step 7: Special Cases and Additional Support

For couples in unique situations, we will provide tailored assistance, including:

- Guiding non-UK or non-Italian partners on their specific documentation needs.
- Advising civil partners on converting their partnership into a marriage.
- Assisting those who arrived in Italy without a CNI in obtaining one locally, if possible.