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Abstract:

The article is a reaction to the submission by the Children's Ombudsman of the draft of the new Family Code, which does not alter the provisions governing the civil effects of marriage officiated by a member of clergy. It first presents the legislative history and key assumptions underlying the draft of the new Family Code and examines them by means of a critical review. What follows is an outline of theoretical models adopted by selected European countries with respect to the celebration of marriage. The article then discusses Polish provisions governing marriage officiated by a member of clergy. Particular attention is paid to serious doubts expressed by legal scholars as regards the nature of a marriage certificate that is issued following such marriage. Consequently, the article provides suggestions on how the applicable provisions should be amended and criticises the solution offered in this respect by the draft of the new Family Code.