

From: [REDACTED]
To: [Weddings](#)
Subject: Feedback, Law Commission consultation on wedding law
Date: 03 September 2020 13:46:17

I was delighted to read the proposed changes to wedding law, including:

- Individuals will be able to give notice of their intended wedding remotely, and choose the registration district where they attend to complete the preliminaries. All preliminaries will be carried out through civil registration, instead of having a different method for some religious weddings.
- Upcoming weddings will be published online, accessible to the wider community.
- The officiant, rather than the location, would be regulated. The officiant would need to be present but would not have to carry out the ceremony.
- Weddings could be conducted by non-religious belief organisations such as Humanists as well as by Independent celebrants.
- Weddings could take place in a location chosen by the couple such as outdoors, in their own homes, at a military establishment or on a UK registered cruise ship.
- There will be no prescribed words or vows, giving couples greater freedom and recognising the variety of ceremonies that people use to mark their weddings, including religious ceremonies.
- Couples will be able to have religious songs, readings and hymns as part of a civil wedding.
- Fewer ceremonies will result in a wedding that the law does not recognise as being valid.

These changes will align the UK with other nations, including the United States, Australia and New Zealand, and are welcomed by industry professionals such as myself. I only wish they had been introduced before my own wedding took place in 2016.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: BusyBrides Wedding Planners [REDACTED]
Sent: 03 September 2020 16:46
To: Weddings
Subject: Wedding Laws

Follow Up Flag: Follow up
Flag Status: Flagged

Feedback.

Having just read that the wedding laws are set to change to allow couple to choose their location, I think this could not come at a better time. It may also increase in weddings going forward as this will enable couples to have a more cost effective wedding and make savings along the way.

Here are a handful of reasons right now that I can find that makes this a much needed and positive change.

1. We need more diverse spaces to be able to allow couples to have their wedding that reflects their own personalities.
2. Many couples I find having restrictions put on them. I have an Irish Catholic Groom with a Hindu Bride and currently both options give us too many restrictions that prevents a perfect ceremony at a time that suits us.
3. Next year registrars are going to be overflowed with postponements and new weddings are going to be pushed back due to lack of availability, so giving that celebrants the option to take the ceremony along with flexibility of the location, will see more weddings coming back to the economy.
4. Having a multi-ceremony wedding this weekend meant once the hindu ceremony had finished we had to break everything down as the Registrars insisted that any little sign of a hindu ceremony removed. This is extremely disruptive to the day having to use the same space for both ceremonies. It's just too restrictive and disruptive to any wedding days.
5. It would also be easier if we could have had a ceremony that reflected their own beliefs.
6. It will save on the exuberant costs that some registrars charge to attend an approved venue. Some charge as much as £600 for what is essentially 20 mins work, its grossly over charged.
6. The couple can finally have want music and readings/vows they want. It will put the romance and personality back into weddings.

Finally as a trained independent celebrant, this is fantastic news. I feel the laws have been far too restrictive for too long and it's about time we were given that flexibility to provide a beautiful ceremony without them having to "nip to the registry office" that just takes all the romance out of their day.

Hope this feedback is helpful. I hope this new law gets passed, it's a great move forward to bring this up to date.

[REDACTED]
Wedding & Party Planner
BusyBrides Wedding Planners
[REDACTED]



From: [REDACTED]
To: [Weddings](#)
Subject: Consultation
Date: 03 September 2020 07:19:19

Begin forwarded message:

Subject: Consultation

I strongly urge the Commission to recommend a total removal of the current ban on the use of religious texts and music at civil weddings. This ban was proposed by the House of Bishops of the Church of England. It is wholly unconstitutional and a breach and limitation of a fundamental human right. No literature or music is owned by the church authorities but should remain accessible to everyone .

Yours sincerely

[REDACTED]

To: [REDACTED]
Subject: Weddings
Date: Response to Consultation Paper on Wedding Law
Attachments: 07 September 2020 13:27:18
[REDACTED]

Dear Weddings Team

I have read with interest the consultation paper on Weddings, and write in response to it.

I am [REDACTED] specialising in litigation about trusts and wills.

The issue of 'predatory marriage' (which I understand to be a term coined in Canada) arose in a case in which I appeared, which went to trial in December 2016. That case shone a spotlight on a glaring lacuna in statute law which has been recognised, but unresolved, since the case of *Re Roberts* [1978] 1 WLR 653, namely that a will is by operation of law revoked by the testator's marriage notwithstanding that one of the spouses lacked capacity to marry or was coerced into marrying. It is currently impossible to revoke or annul a marriage after one of the spouses has died, and I am concerned that the present proposals do nothing to resolve this problem. I set out in this email proposals in relation to weddings which might assist (I have highlighted my proposals in bold).

The devastating consequences of the current state of the law came to light for me in *Blass v Folan*, a case about the disposal of the body of Joan Blass. The case was heard by HHJ Jonathan Klein in Leeds in 2016. I acted for the deceased's children, who were beneficiaries under her will. A marriage had taken place between the deceased and the defendant five months before her death.

Due to the total secrecy surrounding the marriage (which the defendant managed to orchestrate despite the fact that my client lived next door to her mother and saw her mother daily), the deceased's children were ignorant of it, and had no opportunity to take steps during her lifetime to take steps to nullify the marriage. The deceased's doctor gave evidence that she would not have had capacity to marry at the time of the wedding - she was suffering from quite advanced dementia at the time of the marriage. As a result of the marriage, not only was the defendant entitled to the whole of the £200,000 estate under the intestacy rules, he also had the prior right to dispose of the deceased's body. In the event, the trial judge allowed the defendant to have the responsibility of disposing of her body (against the wishes of all her family and friends). The impact upon my clients of the predatory marriage was seismic. It has radically altered their lives. They have had to move away from the area they lived for many years, as the defendant now owned their mother's house next door, having inherited her entire estate under the intestacy rules as her surviving spouse. They have since learned that he married another elderly lady at the end of 2018, so there is a concern that history will repeat itself.

In *Blass*, the defendant husband had escorted the deceased to the registry in Leeds where he had told a tale of how their relationship had blossomed. Despite one registrar's apparent hesitation about performing the ceremony, her superior was persuaded that the deceased wished to marry the defendant, and the ceremony took place. The 'assessment' of the deceased's capacity did not extend much beyond asking leading questions to which the deceased was able to give very short or monosyllabic answers, despite one of the registrars having expressed concern about the situation. A 'social façade' (very common amongst patients suffering dementia) may have persuaded the registrars that the deceased had sufficient capacity. The registrars said that the deceased's 'demeanour' on the day of the marriage was persuasive - she was smiling on the day.

The lack of objective and informed assessment by the registrars is particularly startling when contrasted to the assessment which private client solicitors are expected to carry out when taking will instructions. Given the legal effect of marriage in revoking a will, **I suggest that marriage registrars should not only be far more thoroughly trained on what to look out for, but should also be required to satisfy themselves that each party to the marriage understands that by getting married any will they have made is automatically invalid. It would not take long to do so.**

Further, **in any case where even mild doubt is felt by the registrars about capacity to marry, particularly where one party to the marriage is elderly, I suggest that registrars can and should require a doctor's certificate as to capacity to marry.** This is regarded as 'best practice' in relation to capacity to make wills, known as the 'Golden Rule' and widely applied by private client solicitors.

I suspect that most members of the public are not aware that by getting married they render themselves intestate. It has fairly recently been stated by the Court that such awareness is necessary for capacity to marry: see *EJ v SD* [2017] EWCOP 32. In that case, HHJ Nicholas Marston considered whether knowledge as to the actual financial implications that marriage would have, namely in terms of its effect upon a will and therefore any provision the testator might wish to make for others, was necessary in order to have capacity to marry. The judge held that it was necessary, as revocation of a will was not just a reasonably foreseeable consequence of marriage, but a certain consequence, i.e. a fact which a person should be able to understand, retain, use and weigh to have capacity to marry.

In *Blass*, quite apart from the registrars' lack of proper training to assess capacity or to probe duress/undue influence, the marriage took place and continued to be valid until the deceased died a few months later because the family were completely ignorant of it. They only learned of the marriage after their mother's death. The new proposals in your consultation papers are for an online notice system. But I cannot see this working in practice to help to prevent predatory marriage unless there is a reliable 'standing search' system such as exists at the probate registries. In other words, families should not have to check a database of marriage

notices on a weekly basis to see if their vulnerable relative is being coerced into marriage. **They should simply be able to log their vulnerable relative's name (and any applicable variants of the name) as being a 'person at risk' and be secure in the knowledge that they will be alerted should anyone seek to enter a notice of marriage to that person.**

I appreciate that issues about capacity are outside the remit of your consultation, but suggest that fairly straightforward steps can and should be included in the process of marriage which would help to mitigate the risk of predatory marriage. I have referred to these above.

Ultimately, I suggest that amendment is required to s.18 of the Wills Act 1837 so that marriage does not have the effect of revoking any will made by the deceased if the deceased lacked capacity at the time of the marriage or was coerced to marry. The current lacuna in the law seems bizarre, and I suggest it merits some attention by legislators, particularly given the efforts being made generally by state bodies, lawyers and charities to safeguard the interests of vulnerable persons of all ages. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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From: [REDACTED]
To: [Weddings](#)
Subject: Feedback on the Weddings Law Consultation Paper
Date: 10 September 2020 10:50:48
Attachments: [Signature 2020.png](#)
[uc](#)

Good morning,

we have, as a wedding venue, taken interest in the proposed consultation paper and wished to share our thoughts.

We wholly embrace the review, and agree that more flexibility is required to make weddings more personal and unique to couples, which will also make them more inclusive of all religions and cultures. The administrative steps are also too onerous and the possibility of doing certain preliminaries remotely is to be welcomed in our view.

We also welcome the relaxing of the rules to marry outside to give the couples more choice and add their own personality to their day which is very important.

Our only concern, especially being a wedding venue ourselves, is that if weddings can take place anywhere will the local authorities take over the role of ensuring the safety of guests during the gatherings and issuing guidelines to those hosting weddings at home? As we have found out this year as a venue we have had to invest in a lot of health and safety training and equipment, so that we can now operate as a "covid secure" venue to operate within strict guidelines (and often we take more advanced measures than suggested by government guidelines), and ensure strict adherence to number restrictions and enhanced hygiene measures. This pandemic has highlighted the need for some regulation and accountability in instances such as these where large gatherings are involved. We as a business are accountable for the safety of our guests and abide by a certain conduct, whether these measures can be monitored if weddings can take place anywhere is certainly something we would like to raise.

Many thanks,

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

Hayne House, Saltwood, Kent, CT21 4EH
www.haynehouse.co.uk
Facebook // Instagram



From:

Sent:

To:

Subject:

13 September 2020 09:03

Weddings

Feedback

Follow Up Flag:

Follow up

Flag Status:

Flagged

Hi there.

A couple of things in case helpful.

- 1) First, an observation. If you want anyone other than a details girl or guy to respond to your proposals, the form on the website will be an absolute barrier. FAR too many questions required.
- 2) I wanted to send my encouragement to your proposals. As a church minister who has had to perform non-legal weddings (which accompanied a civil service) because they either took place outside or were between same sex partners, the proposed changes in law would bring added freedom to the whole day. The church cannot own marriage so by putting the onus on the celebrant and not the building, you enable couples to publicly declare their love in a way that is meaningful to them and this can only be a good thing.

Keep well during this crisis,

Revd Dr

[REDACTED]

From: [REDACTED]
Sent: 19 September 2020 16:41
To: Weddings
Subject: Point of interest: removal of requirement to appear in person to give notice of application of marriage

Follow Up Flag: Follow up
Flag Status: Completed

My name is [REDACTED] I have a professional interest in that I have been connected with weddings for many years.

From the limited information I have read on the subject matter relating to the law commission regarding 'weddings' there is only one point at which a danger may be reached, in my opinion. It is that danger I write to give warning about.

If you remove the requirement to appear before the registrars in order to file notice of intent to marry and make it obligatory to undertake this function by e-mail then you leave the door wide open for the whole system of marriage to be abused by those who would actively seek to do so. The problem is this: anyone unscrupulous enough can make themselves appear on paper, and through e-mail, to be a person who they are not. Fraud is something which would be able to become rife if any one person is able to pose as another. It happens already but *sometimes* the registrar has a good memory for faces.

This review of the marriage laws allows surely for greater control over identity theft and I would go so far as to suggest that the only real way to stop fraud in this area involving the marriage act is to require photographs to be taken of the participating couple and that those photographs should be applied to facial recognition software. Expensive? Sure. But what might be the cost of removing the requirement for that first initial physical meeting?

Not all cost is counted in monetary terms. There is a cost to society as a whole to consider. I am asking that you consider the cost of removing that first face to face interview.

Thank you.

[REDACTED]

[REDACTED]

From: Copdock Hall [REDACTED]
Sent: 24 September 2020 13:32
To: Weddings
Subject: New wedding law proposals

Dear Sir/Madam

I currently own a wedding venue called Copdock Hall on the outskirts of Ipswich, Suffolk. We have been open five years and the new proposals will have an obvious effect on our business. We are not averse to competition and we appreciate that some people want an alternative wedding to what's being offered at the moment. The proposals are a lot more relaxed, inclusive and offer more choice – what's not to like!? We will be happy to compete but only if it is an equal playing field. I assume we will no longer be subject to the officialdom required for an expensive wedding licence? If cruise ships, bars, marquees, vineyards, parks don't need all the certification then surely we won't? Similarly will those kind of venues require drinks licences, public liability insurance, fire certificates, risk assessments? All these things cost money and time to comply with. I think this is much a planning issue as it a wedding issue. We will already face increased competition which is fair enough, but it would be grossly unfair if we were still subject to the above requirements and other sites/venues chosen were not.

Kind regards

[REDACTED]
Copdock Hall

[REDACTED]

Sent: 06 October 2020 21:48
To: Weddings
Subject: Celebrant/Officiant/Minister led weddings

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Commission

As a former vicar ([REDACTED]), I have seen a decline in the number of weddings for the last [REDACTED] years, equally I have seen couples wanting more choice in the type of wedding and the content.

May I say Celebrant/Officiant/Minister even these terms can be confusing for many

It may be a better option if a Celebrant or minister or religion was licensed to undertake these service rather than venues

I appreciate there would need to be guidelines and some formal training having been undertaken or having been a minister of religion with understanding of legal Framework - to oversee all aspects of a wedding

Things like returns to local authority so records could be kept - this should be online where possible with licensed Celebrants having a personal log in code - this would enable them to do all aspects of wedding

This makes a lot of sense - etc "This could be a celebrant (if the Government decides to let celebrants run wedding ceremonies). They would need to ask The General Register Office for permission to do this." providing proof of training certificate etc this means they could oversee all legal aspects of a wedding

Ways of notice should be as inclusive and assessable as possible for all involved and for Celebrants to be able to check, there also needs to be some thought if there is an error in the notice, as a former surrogate of weddings in the C of E this is rare but there needs to be a way to resolve an issue.

This statement gives the inclusivity "Giving notice on the internet or by post. Once notice has been given, this would go onto the internet so anyone can see it."

Whoever is performing the service should be legally obliged to make sure each person wants to get married of their own free will and check notice has been given

There should only be one set of rules for giving notice for church and state as this simplifies the current system, this would reduce confusion

I think to be totally inclusive and give couples the means to express their love, more choice for those taking weddings is paramount for our society especially in these covid times

[REDACTED] ramble over

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

From: [REDACTED]
Sent: 14 October 2020 17:15
To: Weddings
Subject: Weddings law consultation

Dear Law Commission,

I am writing a brief response to a few of the questions in your consultation on weddings law. My job as an Anglican parish administrator includes taking (and checking) details from couples, arranging for banns to be read, etc.

As a general point, as a Christian, I would not support anything that further undermined marriage as an institution. Glancing through some of the questions (sorry, not got time to answer all in detail), I would worry that some of your proposals appear to make it too 'easy'. Marriage should be a commitment that is made for life, should not be taken lightly, and should require some effort to 'set up' (as it no doubt does to sustain). I would tend to feel that 'doing it all online' detracts from its importance.

You propose that giving notice should be possible online and/or at any registry office. Surely the idea of notice of a wedding (or banns) is that it is given where the general public have half a chance of knowing the couple in question, i.e. it should be done 'locally'. In terms of Anglican banns, it is done in the parish they propose to get married in, and in their parish(es) of residence if different. Admittedly, at the start of lockdown, I did query whether banns might be displayed on our website and social media pages (that might actually reach a wider audience!) but that was "not currently possible".

My main plea would be, regarding preliminaries, that each couple should first attend a registry office, not for a civil ceremony as on the continent (before an optional church one), but for the registrar to check ID & address documents. It gets very complicated with couples who do not have passports, when you're then on birth certificates, parents' and even grandparents' birth certificates (or passports). Also, we have to take copies of personal documents and keep them securely. I think the registry office is much better placed to do all that. Couples could also sign to the effect that there is no reason in (civil) law for them not to be married, though I realise that strays into the territory of public notices and/or banns, which are valid for only three months; and it's a statement any congregation and couples themselves make (in reverse – by their silence, hopefully) during their marriage ceremony.

The registry office would then issue couples with a marriage document that they could take wherever they like to get married. I don't think this should include details of the officiant at this point – often impossible to say. Couples often book weddings with us even more than 2 years in advance. Ministers can retire, fall ill or be on holiday, suddenly have to self-isolate(!) or whatever. If you wanted to make the initial marriage document valid for only 6 months or a year, that would be ok; the couple would have to arrange (at least book) their marriage at whatever venue within that timeframe. (Albeit the minister signing it at that point may well not be the one who officiates in the end.)

Our diocese, if not the central church, did email last summer some information about proposed changes, envisaged to come into force in December, but of course Brexit and an election took over and now Covid. The information included the mention of a marriage document, but it was unclear to me as to where this would originate. It is my view that it should originate from the registry office, and will tell any officiant that a couple may legally be married.

In the case of a couple wishing to marry in church, they would bring their marriage document to the minister, who may first have to consider whether he/she may marry them in church at all, e.g. the Anglican church (in the UK) does not marry same-sex couples. Some ministers still feel uncomfortable marrying divorcees, and may very occasionally decide not to once they have interviewed them if e.g. the current relationship caused the breakdown of the previous one, which really goes against the teaching of the church that marriage is a life-long commitment (while recognising that it does not always work out, often for reasons that someone wishing to remarry had no control over).

[REDACTED]

From: [REDACTED]
Sent: 19 October 2020 11:19
To: Weddings
Subject: Justiceforjoan.com

Dear Sir/Madam,

I wish to express my dismay regarding the limitations of the law which allowed a much younger man to marry a very elderly woman with dementia, thereby making her Will obsolete so that he inherited everything on her death. This is an area which is not given enough public coverage and I hope the Law Commission will review the situation as a matter of urgency. Relaxing the law concerning where and how people may marry will only make it easier for confidence tricksters to take advantage of our elderly and infirm.

I trust that our laws will be changed with all possible speed to eradicate this sort of situation.

Thank you for your attention.

Kind regards,
[REDACTED]
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 20 October 2020 22:18
To: Weddings
Subject: Safeguarding and marriage

Dear Sirs,

I have been made aware of the Law Commission's project on reforming weddings and thought I should write to you to voice some concerns about safeguarding and weddings.

I am a supporter of the "Justice for Joan" campaign led by Daphne Franks whose mother, Joan, was, we believe, a victim of 'predatory marriage'. [REDACTED]
[REDACTED]

In line with the campaign, I support the idea of publishing the banns for register office weddings online and would ask that you consider something similar for other venues also. It would allow greater access to the public to the banns online and bring matters more into the open. I do not know what the procedure is for marriage by licence but would ask that no gaps were left that could be exploited as an alternative to banns by a 'predator' wanting to marry on the quiet.

Not everyone has access to the internet, or can use it, and more vulnerable or elderly people may well fall into that category. I think they are the group most likely to be digitally excluded. I note that you are considering making online applications, rather than face to face appointments, the way forward. Please note, that I think there is real scope for manipulation of a vulnerable person here and for arrangements to be made without proper knowledge or consent if a 'predator' was so inclined. Please don't underestimate the value of a face to face meeting with someone.

I would ask the commission to ensure that those who carry out weddings are properly trained in understanding capacity and what it means with regard to marriage. I think it would be a good idea if explicit training were given to registrars on what might bring them to question someone's capacity, the warning signs, say, and how to respond if they felt they had refuse a marriage to go ahead. Also, should something strike a registrar as wrong, is there anything more they should do? While I realise these thoughts of mine are vague, what I'm trying to convey is a 'what next?' or what is the pathway and where does it lead?

[REDACTED]

If there is a loophole in your safeguarding, a predator will find a way to exploit it. Please put safeguarding vulnerable people at the heart of your reforms.

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 23 October 2020 09:49
To: Weddings
Subject: Mental capacity

Follow Up Flag: Follow up
Flag Status: Completed

Please make it the legal responsibility that both parties are of sound mind to prevent abuse of people with dementia etc. The vicar, registrar could confirm with persons GP if concerned and/or be trained to recognise an issue. This must surely come under Adult protection umbrella. My Mother had Alzheimers and this could easily Have happened to her even though I had power of attorney.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 23 October 2020 09:51
To: Weddings
Subject: Predatory Weddings- CHANGE THE LAW

Follow Up Flag: Follow up
Flag Status: Flagged

Since there is no protection against "predatory weddings" where a person coerces/ persuades a person who is not of sound mind/ disabled / dying into marrying them solely to gain access to their house or money without their families knowledge or consent -even when a family member has a power of attorney for their relative. The fraudster is still able to marry the vulnerable person.

Please change the outdated Wedding Laws to protect these Vulnerable people, with several steps to go through as checks before the marriage can go through to make sure the vulnerable person is not being taken advantage of.

<https://www.lawcom.gov.uk/project/weddings/#weddings-consultation-paper>

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 04 November 2020 15:47
To: Weddings
Subject: Marriage Certificates

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Consultants,

Could you please make sure that mother's names are included on marriage and civil partnership registrations and certificates and that there is a facility available for amending existing registrations to include names and occupations for both parents. Mothers matter!

Thank you

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 November 2020 14:48
To: Weddings
Subject: Wedding Law Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear sirs

I have just read your current proposals

I have to say I was shocked by how far you seem to want to go. There is no doubt that some reform is necessary but I do feel you may be creating more problems than you are solving.

As I understand it the rationale is to ensure that couples have more choice in a more modern and open way . So those of various religions and with no religion have the ability to get married in their chosen venue. This is laudable and certainly overdue. Why not allow legal weddings in the grounds of regulated venues?

There does not seem to be any regulation with regard to who will have responsibility for the "venue" if not regulated

For religious services there would be some "governing body" who would have responsibility and, in all likelihood, the reception would happen as it currently does, in places like hotels or other venues.

My concern is for those wanting to marry and have their receptions in other places.

One thing that Covid has proven to all concerned is the irresponsibility of some members of the public. Parties in gardens and in public land, woodland and beeches have left all sorts of antisocial behaviour.

No one other than the police can have any way of regulating or stopping this and they will certainly not clear up after them

As a venue owner if I give you some idea of the incidents we face-

1. Guests with antisocial behaviour having to be overseen due to drink or substance abuse - putting selves and others at risk
2. Couples wanting to have unregulated or insured firework displays,
3. lighting Chinese lanterns whilst drunk and risking selves and others
4. Uninsured and irresponsible "caterers" with health & safety practices that are severely wanting

And much more

Many wedding venues in the North West now employ security just to deal with some of these issues. What will happen if "private" parties pop up in places of natural beauty, woodland, beeches, ... ? Frankly it is frightening to think of.

It would likely add another burden to our overstretched police force.

I do hope you will reconsider so wide ranging a change.

Yes people should have more choice. Sadly a proportion of the public are unable to see risk or have any regard for the welfare of others. They need to be regulated to ensure safety and the security and well being of others

[REDACTED]

Heskin Hall

Please find below the response of Shropshire Council in relation to the current consultation on Marriage Law .

Q1 No Reply

Q2 No Reply

Q3 We invite consultees to share with us their experience with weddings during the COVID-19 Pandemic.

Managing weddings during this pandemic has been extremely difficult. The entire experience is not one that we ever wish to repeat for the following reasons:

Information from Government late and guidance inadequate

The general public assumed, incorrectly, that we as registration officials had prior knowledge of all the measures introduced by the government and had not shared this information with them.

Due to the above it was extremely difficult to manage the expectations and the message to be given to couples and venues

Communications with thousands of couples who had ceremonies booked in our district in all settings have been necessary indeed vital but have been massively time consuming

Many ceremonies have been moved, cancelled or rescheduled multiple times which has massively impacted on the workload of a small team

Emergency marriage ceremonies or civil partnership ceremonies have still taken place but the need to wear PPE and the social distancing requirements and gatherings restrictions have made these more challenging than usual.

The inability to perform other marriage/civil partnership ceremonies for nearly 6 months caused a number of couples – particularly where servicemen/women were involved or older people, who wanted to have the security of a legally binding relationship as they were afraid of dying, great distress.

The refusal of government to extend notice validity periods or provide national direction and financial support to local authorities to allow couples to give fresh notices free of charge for ceremonies impacted by lockdown also added to the burdens of couples and of local authorities.

The lack of uniformity across all 4 countries of the UK has also caused confusion and difficulties as couples and registration authorities. We are a border county and have many couples coming into our county to marry from their homes in Wales and many other couples coming in from all over the UK. Rules around numbers of guests and whether children are included in that number are different across all countries and it has caused many problems for us as we try and explain the differences.

It has been incredibly difficult to deal with couples who were unable to marry, or just unable to have the day that they had planned, and balance the need to provide a meaningful ceremony and provide staff and couples with the safety assurance they require whilst trying to stick to the everchanging guidance on small marriages in relation to content and length of ceremony.

Q4 We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the Superintendent Registrar should be abolished.

Do consultees agree?

Yes, in principle, if there is no reason for the imposition of the 7-day residency requirement then it should be abolished.

However, does this mean that the requirement to provide evidence of address is also redundant in respect of notice giving. Why is it necessary to provide evidence of address, it is important that any changes do not result in unintended consequences for another agency, for example benefit fraud, immigration fraud.

In addition, the Church of England requirement that someone live in the parish would also have to be examined if residency was no longer required. (Although lasting connection and being on the electoral roll of the church in question are also acceptable qualifications)

Q5 We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in person interview at a later date.

Do Consultees agree?

Not entirely.

We agree that provision for the notice period to start by giving notice on line, by post or in person is a reasonable and welcome improvement, however we feel strongly that people should give notice to either their district of residence or to the district in which their marriage or civil partnership is to take place. Local knowledge and understanding is the best way in which to provide assurance that venues, officiants and couples are linked and that all requirements will be in place to allow a legal ceremony to take place.

The consultation paper refers to the use of designated register offices as having already broken the local link, however it does not examine whether or not there are any difficulties with this particular system, neither does it acknowledge that they designated register office model is to be abandoned in 2021. Writing from the perspective of a designated register office who deal with couples from all over England and Wales, it can be difficult to identify immigration and benefit fraud with no local knowledge of the town in which couples reside. If the Public Protection and Counter Fraud agenda of the Government remains at the heart of any changes to marriage law, it is important that the value of local knowledge is not underestimated. This can be further demonstrated by Home Office UKVI who changed the model in which local ICE teams and local registration services liaised over suspicions of fraud, preferring a centralised model. This destroyed the links between the local teams and resulted in registration officers feeling impotent when reporting suspected sham marriages as there was no local contact, no shared knowledge of addresses, names or peculiarities. This strategy is being revised with the reestablishment of regional ICE teams and the re establishment of local links with registration services.

With regard to the need for a person giving notice, on line or by post having to attend a face to face meeting at a later date, we agree that this is vital, we therefore welcome the proposal at 4.53 of the removal of tacit consent where authority for marriage or civil partnership would be given automatically at the end of the notice period whether or not the interview had been attended.

This requirement seems to undermine the reasons given in the consultation document to support the giving of notices by post or online. The consultation document describes the need to attend a face to face appointment to give notice as being "inconvenient and time-consuming". From the perspective of registration services the proposed 2 stage approach would potentially pose a double handling issue, where instead of the preliminaries being dealt with in one hit, time would be needed to deal with online notices and postal notices and additional time would be required for the face to face interview.

In addition the consultation states "nor is the requirement for notice to be given in person a particularly efficient use of registration officers' time. Much of the meeting will be spent by registration officers in purely clerical work, entering the details of each person into an online data base". Again there is no acknowledgement of the role of the face to face interview as a valuable tool in the Public Protection and Counter Fraud agenda. Much of the meeting is spent observing relationships for evidence of sham or duress, mental capacity issues. Registrars will engage couples in conversations which will elicit other information where fraud can be detected.

Q6 We invite consultees' views as to whether the minimum period between the in person interviews and the date from which the couple can get married should be:

1) Three days 2) seven days or 3) another period of time.

Minimum of 7 days prior to the ceremony. During the busy months for marriages and civil partnerships it would be extremely difficult to see all couples 7 days prior to the ceremony, however if it were possible for people to be seen earlier that would allow the opportunity for registration services to manage their resources effectively.

Q7 We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages of the capacity of either party to consent.

No, not in general, however for couples marrying or entering a civil partnership under special circumstances for example, terminal/serious illness, housebound or detained this would be a good option.

Q8 We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.

Yes, though we would support an in person interview a minimum of 7 days before the wedding, which could also be done remotely should the circumstances dictate.

Q9 We provisionally propose that notices of marriage should be publicly displayed on line, save where this would expose either of the couple to risk of harm.

Do consultees agree?

Yes

Q10 We provisionally propose that the schedule should be valid for 12 months from the date of issue.

Do consultees agree?

Yes, although we would welcome a clause which allowed for the validity period for schedules to be extended to 18 months in the event of a national emergency such as pandemic

Q11 We provisionally propose that:

- 1) The schedule should identify the officiant who will officiate at the wedding; and**
- 2) At the parties' request, the registration service should issue an amended schedule with a substitute officiant.**

Do consultees agree?

If the officiant is identified and not the place it would be sensible to identify that person
The registration service should be able to issue an amended schedule with a substitute officiant.

Q12 We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the Schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay

Do consultees agree?

Yes, although. where the substitution has taken place at short notice, there should be a duty placed upon the substitute officiant to contact the registration service to confirm that this was the case or a method of informing the registration service of the substitution via the schedule.

We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances

Yes, in the case of an officiant being incapable through Drink or Drugs

Q13 No Reply

Q14 No Reply

Q15 No Reply

Q16 No Reply

Q17 No Reply

Q18 We invite consultees views as to whether:

- 1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or**
- 2) all weddings should be preceded by civil preliminaries.**

All weddings should be preceded by civil preliminaries to provide a consistent mechanism of legal preliminaries across all settings. The other impact of this would be to free up the clergy to carry out their pastoral duties removing some of the huge administrative burden which many clergy carry, particularly where they are incumbent for multiple churches. The Church of England would also find that they are no longer burdened by the need to ensure that many clergy are up to date on legal requirements for marriage particularly as many clergy do very few weddings throughout their entire careers.

Q19 We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to:

- 1) Ensure that the parties freely express consent to marry each other
- 2) ensure that the other requirements for the ceremony are met; and
- 3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed.

Do consultees agree?

Yes

Q20 We provisionally propose that registration officers should only be able to officiate at civil weddings.

Do consultees agree?

Yes

Q21 We provisionally propose that only one registration officer should need to officiate at a civil wedding.

Do consultees agree?

Yes

Q22 We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.

Do consultees agree?

Yes

Q23 We provisionally propose that:

- 1) for religious organisations other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and
- 2) (if government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.

Do consultees agree?

Yes

Q24 We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in *R (Hodkin) v Registrar General of Births, Deaths and Marriages*) as

An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.

Do consultees agree?

Yes

We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings and if so what types of organisations would be listed

The Irish model of exclusions appears to be sensible, political parties, bodies which promote political parties, candidates or causes, sporting organisations, trade unions, representative bodies of employers, and chambers of commerce.

Include any criminal groups or outlawed organisations.

Q25 We provisionally propose that religious organisations and (if enabled by government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:

- 1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and**
- 2) a wedding service or a sincerely held belief about marriage.**

Do consultees agree:

Yes

Q26 We invite consultees views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.

Yes

Q27 We invite consultees views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals

Yes

Q28 We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.

Yes

Q29 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants

Do consultees agree?

Yes, however given that they would only be able to officiate at civil weddings and there are already a body of people who, this consultation propose, are only able to officiate at civil weddings in registration officers, I do not agree that independent celebrants should be considered as officiants. They could be celebrants but not officiants, this consultation promotes that the roles are different.

**Q30 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons.
Do consultees agree?**

Yes, there should be a prescribed list of criteria which a person has to satisfy.

Q31 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they :

- 1) are aged at least 18
- 2) understand the legal requirements for being an officiant and performing the role; and
- 3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.

In line with the proposals at 3.53 they should also have to declare that they will not act in conflict with their rôle by means of commercialisation, for example requiring a couple to purchase other services or received commissions from referrals to other service providers

Q32 We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs

Do consultees agree:

Yes

Q33 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.

Do consultees agree:

Yes

Q34 We provisionally propose that, if Government enables independent celebrants and or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:

- 1) Authorised as an independent officiant and nominated by either a religious or an non religious belief organisation; or
- 2) nominated by both a religious and a non-religious organisation

Do consultees agree:

Yes

Q35 We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.

Do consultees agree:

Yes

Q36 We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.

Do consultees agree:

Yes

Q37 We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them

Do consultees agree:

Yes

Q38 We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act.

Do consultees agree:

Yes

Q39 We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities including conducting investigations necessary to exercise its powers.

Do consultees agree:

Yes

Q40 We provisionally propose that there should be no time limit on the authorisation of officiants.

Do consultees agree?

No, there should be a requirement to either notify the General Register Office if there is a change of circumstances i.e., illness/death/retirement, at the very least, or a confirmation every couple of years that there is no change in the status of the authorised officiant. This point is born from the situation which persists with the registration of authorised persons under current provisions. Authorised persons in non-conformist churches are supposed to notify changes of address.

retirement, death to the General Register Office, this invariably does not happen, and our lists of authorised persons are completely out of date. It is a mammoth job to check up on the status of all authorised persons in order to keep the list up to date, but if it is not done the true position is not known which causes all sorts of difficulties.

Q41 We provisionally propose that an independent officiants authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development.
Do consultees agree:

Yes

Q42 We provisionally propose that:

1) during every wedding ceremony, the parties:

A) Should be required to express their consent to be married to each other, whether orally or otherwise, but

B) Should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);

2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;

3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent; and

4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document)

Do consultees agree:

Yes

Q43 We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.

Do consultees agree:

Yes

Q44 No Reply

Q45 We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

Do consultees agree:

Yes

We invite consultees views as to whether specific examples of religious content should be expressly allowed at civil weddings and if so what those examples should be

The Jersey example seems to fit with the general requests received by registration officers - Candles, lights, incense, ribbons, Music – readings from religious texts, use of vows from religious services, mostly requested are the words from the book of common prayer - in sickness and in health, as these are seen as traditional and not recognised for their religious connection.

Q 46 We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed.

Do consultees agree:

Yes

Q47 We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed should be repealed.

Do consultees agree:

No – this does not assist in situations where forced marriage or duress is suspected.

Q48 We provisionally propose that all weddings should be legally permitted to take place anywhere.

Do consultees agree:

Yes

We invite consultees views as to whether the law should limit weddings in any particular venues, including:

- 1) outdoors
- 2) on inland waters, such as lakes or rivers
- 3) in the air, and /or
- 4) in private homes

Viable alternatives would have to be available for outdoor ceremonies, in the event of poor weather.

Q49 We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.

Do consultees agree:

No, we believe that a civil wedding location should be publicly accessible whether or not it is regularly available to the public for the solemnization of marriages. To minimise the opportunity for fraud, coercion, lack of capacity.

Q50 We invite consultees views as to whether the law should prohibit:

1) Civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief venues?

In the consultation at 7.97 it is acknowledged that Humanists who are currently the only non-religious belief organisation lobbying to be able to solemnize marriage, do not generally have a building, and would use many different locations, it is not possible then to prevent some venues being utilised for civil marriage. We agree that civil weddings should not take place in religious venues.

2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues

Again, if the buildings model is not adopted by non-religious belief venues this is not possible.

3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues

Yes

Q51 We provisionally propose that it should be the responsibility of the officiant to decide whether the location of the wedding should be approved.
Do consultees agree

Yes

Q52 We provisionally propose that, as part of their responsibilities, officiants should ensure that the wedding location is:

- 1) safe, and**
- 2) dignified**

Do consultees agree –

Yes, however, the assessment should be documented.

We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.

Do consultees agree –

Yes

Q53 We invite consultees views as to whether there should be an optional pre approval process available for locations that frequently host weddings that operates alongside the general rule that the officiant must agree to the location

If consultees agree that there should be such a pre-approval process:

- 1) who should be responsible for it, and**
- 2) how should it work**

Yes, the local authority, via a risk assessment process.

Q54 We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) the marriage document should be able to have added to it:

- 1) the date of the wedding
- 2) the location of the wedding and
- 3) the names and occupations of the parties' parents, each of whom the parties' should be able to identify as mother, father, or parent

Do consultees agree?

Yes

Q55 We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh

Yes, but the Welsh/bi lingual versions should only be used in Wales by a Welsh speaking officiant.

Q56 We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.

Do consultees agree?

Yes

Q57 We provisionally propose that any one of the following factors on its own should render a marriage void:

- 1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;
- 2) the wedding taking place after authority to marry had lapsed;
- 3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or
- 4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.

Do Consultees agree?

Yes

We provisionally propose that the following factors should not render a marriage void:

- 1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;
- 2) the absence of witnesses, and
- 3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.

Do consultees agree?

We concur with point 1.

We are uncomfortable that should the requirement for open doors be removed that the absence of witnesses at a ceremony essentially provides for the abuse of the system providing greater opportunity for forced marriage, or marriages taking place under duress.

In addition, does the proposal at 3 refer to the absence of the signatures of the couple only or the absence of the signature of the officiant, or the absence of any signatures at all? This needs to be clarified. We would support the lack of signatures of the couple but not the absence of the signature of the officiant.

Q 58 We provisionally propose that the following factors should result in a non-qualifying ceremony:

- 1) both:
 - A) failure of one or both parties to the marriage to give notice of the intended marriage, and
 - B) either
 - i) The knowledge of both parties that the ceremony was not officiated by an authorised officiant, or
 - ii) In the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or
 - 2) failure of one or both parties to express consent to the marriage.
- Do consultees agree?

Yes, however this proposal should also be considered in tandem with the proposal at Q57, where it is proposed that failure to sign the schedule should not be viewed as a provision under which the marriage should be declared void. As signatures are proposed as a method of conveying consent what safeguards would be in place to confirm that consent has been given in the absence of witnesses, behind closed doors and without a registration officer present?

Q59 We provisionally propose that a presumption in favour of the validity of a marriage should arise where:

- 1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or
 - 2) the couple have given notice and gone through a ceremony with a person acting as officiant,
- But should not require the couple to have cohabited for any period after its celebration.
- Do consultees agree?

Yes, however point 2 needs some clarification do you mean someone acting as an officiant or someone authorised as an officiant? We would only support point 2 if the marriage had been conducted in the presence of an authorised officiant This ties back to Q 57 regarding void marriages.

Q60 We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.

Do consultees agree?

Yes

Q61 We provisionally propose that it should be an offence:

- 1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony; or
- 2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.

Do consultees agree?

Yes

Q62 We invite consultees views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.

Terminal illness:

Civil requirements work very well and are quick and efficient and provide couples in the unfortunate position of having one or both parties with terminal illness with assurance, security and speed. There does appear to be an issue with archbishops licence under these circumstances, clergy complain that the process is much more onerous than a civil Registrar General's licence which in turn leads to clergy encouraging couples to go down the civil route as it is quicker and easier, having a civil wedding sometimes followed by a blessing.

It would be useful to have a more uniform process to ensure that couples are pushed into civil marriage when they would rather have an Anglican one simply by the differing requirements of either process.

Housebound and Detained Provisions

The current provisions are complex, and it can be problematic for couples to get the prescribed form 40 and form 41 signed by the necessary people.

Having to determine which piece of legislation applies to a particular persons set of circumstances can be difficult for registration officers and the explanation of the differences between the sets of legislation is also difficult for couples to understand, particularly where a person is very ill but not terminally so and still able to attend, but with significant difficulty, at a register office or other place for marriage and to give notice or marry.

There are always instances where couples fall between the posts, not able to satisfy the requirements for either set of legislation but still be in extremely precarious situations with their health or personal situations.

Q63 We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.

Do consultees agree?

Yes

Q64 We provisionally propose that the Registrar General's licence should be abolished and that there should be a single form of civil authority to marry – a schedule- issued by registration officers.

Do consultees agree?

Yes

Q65 We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months.

Do consultees agree?

Yes

Q66 We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months.

Do consultees agree

Yes

Q67 We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:

- 1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;
- 2) Both stages of civil preliminaries to take place entirely remotely;
- 3) The officiant, the couple, and the witnesses, to each attend the wedding ceremony remotely; and
- 4) The schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.

Do consultees agree?

Yes

We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency.

Do consultees agree?

Yes

We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.

Do consultees agree?

Yes

Q68 We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales.

Do consultees agree?

Yes

Q 69 We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales
Do consultees agree?

Yes

Q70 No Reply

Q71 We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant.

Do consultees agree?

Yes

Q72 No Reply

Q73 No Reply

Q74 No Reply

Q75 We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost recovery basis.
Do consultees agree?

Yes

Q76 We invite consultees views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be:

- 1) The same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost recovery basis; or
- 2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.

We think that the fee should be the same as in all cases where a registration officer must travel to the person giving notice, set nationally on a cost recovery basis. Often couples have been together for many years and have actively chosen not to enter into a legally recognised marriage or civil partnership seeking only to do so at the very last minute. Many registration officers view these marriages as the ultimate marriage of convenience. It is absolutely vital that registration services are able to recover the costs of service provision and that council taxpayers are not expected to subsidise services which could be delivered on a cost recovery basis.

Q77 We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation.

Do consultees agree?

Yes

Q78 We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost recovery basis.

Do consultees agree?

Yes

Q79 We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or government body responsible for it, on a cost recovery basis.

Do consultees agree?

Yes

Q 80 We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales.

Do consultees agree?

No. we do not agree with this proposal. It is important to understand that the fees currently charged for ceremonies by the registration service are not simply reflective of the cost of providing staff to attend a ceremony. The fees described reflect the amount of administrative work which is undertaken to manage and fulfil bookings. This element of cost which is a significant proportion of fees charged had to be accounted for. It must be appreciated that the staff behind the scenes, the buildings, fixed costs of the service, the software systems which have been purchased for the purpose of scheduling staff and maintaining bookings attracts significant costs.

It should also be remembered that you are not proposing that fees for other types of officiants are set nationally there needs to be a level playing field on which all services are able to be charged for on a cost recovery basis. The cost of staffing is as variable around the country as is the cost of living. Local authorities must be left to set their own fees to recover the true costs of service delivery.

Q81 We provisionally propose that the principle that fees for discretionary services should be determined on a cost recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony

Do consultees agree?

Yes

Q82 We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the same fees as prescribed for the registration officer to officiate at any other wedding outside the register office
Do consultees agree?

We agree with this only where the proposal to deregulate where people can legally marry is not introduced. If by this question it is assumed that an hourly rate be charged which is set by the local authority the answer is yes, if the questions relates to the charging of a nationally set hourly rate, then we do not agree.

Q83 We invite consultees views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill

- 1) the fee should be set by regulation at a level below cost recovery; or**
- 2) there should be no fee**

We do not agree with either of the statements above. Fees must be set on a cost recovery basis by the local authority or at a nationally regulated fee which provides for the local authorities to cover the costs associated with the provision of service.

Q84 We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise and officiant, set at a level to recover any costs incurred in assessing the application.

Do consultees agree?

Yes

Q85 No Reply

Q86 We invite consultees views on the impact of the current law on couples including in relation to:

- 1) the availability and costs of register office weddings**

The current cost of a register office wedding is £46.00 which does not cover the cost of the provision of the room, the power light and heat, the cost of a minimum of 2 members of staff, but generally 3 members of staff to manage arrival and departure of couples, and deliver the ceremony.

It makes no commercial sense at present to be able to offer register office weddings at weekends where the cost of staff is higher and the cost of opening up the building specially is also higher which impacts on the numbers of days on which these are able to be offered.

Also, the need for registration services to maintain strict performance targets for the registration of births, deaths, and notices of marriage and civil partnerships impacts on the ability to offer these types of ceremonies on more than one day per week.

The pandemic has further complicated matters with social distancing impacting on the numbers of people who are able to be accommodated within waiting areas and in buildings at any one time.

2) the costs of marrying on approved premises

The fees which you refer to within the consultation are not only for the attendance of staff at the ceremony. Within the costing model is the need to recover all costs associated with taking and maintaining a booking, chasing notices, supplying official documentation, chasing moneys, assisting couples to prepare their ceremonies, clearing personal vows, enhancement requests, changing dates, changing times, scheduling staff, training staff, licences for software, staff costs for the delivery of all of these services. The variance would relate to the costs incurred by their services on a regional basis and potentially the ability of the local authority to subsidise the cost of service provision. The revenue created via the approved venues ceremonies goes to support the provision of all statutory services provided by the registration service including all of those services for which there is no charge made for example the registration of births and deaths, re-registration, clergy and ap management, security of stock, retention of documents, retention and management of Medical certificate books for hospitals and GP surgeries.

Much appears to have been made within this consultation document of the difference in charges, but these compare very favourably with those charges made by independent celebrants for the delivery of a much reduced non statutory service. Apples are not being compared with pears. If this consultation seeks to draw such comparisons it should examine the costs of the provision of non-statutory ceremonies by registration services which are much the same as the service delivered by independent celebrants in relation to marriages.

3) The costs of marrying in registered places of worship**4) The cost of marrying in locations that are not authorised for weddings under the current law; and****5) the necessity and costs of having a separate, legally recognised wedding.**

We invite consultees views on the potential benefits to couples of our proposed scheme, including benefits relating to:

1) the availability of register office weddings and any savings in relation to them

Under present conditions there are no benefits to be had of the proposed scheme in relation to the availability of register office weddings and certainly no savings related to them at all. Register Office weddings will remain the lowest cost option available for couples, and unless registration services are able to recover their costs there will be no increase in the availability of them. The current legal requirement for there to be only 1 register office in any registration district also limits the numbers of ceremonies which can take place in these rooms in any one day

2) Savings from being able to marry in locations without the need for pre-approval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and

There will be savings available without the need for pre-approval, however these will be dependent on where couples chose to hold their ceremony. Hospitality settings may have no option but to try to maintain their current charging levels post pandemic in an effort to recover lost revenue. Many hospitality settings which are currently approved venues may well no longer be in operation. The ability for couples who wish to have weddings in their local village halls and

other such settings will offer some financial benefits relating to catering and corkage charges without any doubt whatsoever as will the ability to have their wedding in their private homes and other outdoor settings.

3) The necessity of a separate, legally recognised wedding and any consequent savings.

These are likely to be minimal saving only the cost of a register office wedding which is currently £46.00. Under the new proposals, notices would be required and the cost of the officiant at their chosen ceremony would be an additional cost

Q87 No reply

Q88 We invite consultees views on the impact of the current law on local authorities:

The requirement for 2 registration officers to attend at a wedding ceremony causes a resourcing issue as does the need for registers to be taken to venues when these are finite resources. These two issues do on some occasions limit the ability of a registration service to provide staff to solemnize weddings at preferred times.

The limitations and interpretations available to Registration officials with regard to format of ceremony and where that ceremony can take place do place unnecessary pressures on a service which at its heart wants to do the absolute best it can for its customers, whether they are couples having ceremonies or approved venues. As a local authority service, we are prevented under current law from being as flexible as we would like to be.

The advantages of the current system for local authorities are:

- the consistent income stream which supports the work of the registration service across all its brief ensuring that the residents of Shropshire are not burdened with subsidising the costs of service provision.
- Answerability in the event of complaints
- Assurance in relation to the proper licensing of events and planning requirements
- Ability to train and retain professional registration and celebratory staff
- Ability to set pay levels and offer contracts which suit the forecasted needs of the service
- Able to plan out schedules and ceremony timings to use staff and resources as economically as possible
- Able to accurately forecast workloads, income and recruitment needs.
- Able to target marketing to support our approved venues

We invite the consultees views on the potential benefits to local authorities of our proposed scheme

Able to double up the numbers of ceremonies which can be attended by registration officers

Q89 No Reply

Q90 No Reply

Q91 We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:

1) Government and local authorities:

Local Authorities –

Impact –

Loss of revenue:

- Approved Venues Licences
- Approved venue ceremonies
- Designated Notices
- Notices of marriage

Reduction in staffing:

- Loss of trained and experienced ceremony staff due to a change in working conditions
- Recruitment costs for new ceremony staff
- Restructure/redundancy costs
- Training costs

Increased administrative costs in relation to notices, risk assessments, travel, time spent on putting together and agreeing the form and content of individual ceremonies

Response submitted on behalf of Shropshire Council

Person submitting response: [REDACTED]

Position: [REDACTED]

Response dated: 12/11/2020

Shropshire Council
Shirehall
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Getting Married: A Consultation Paper on Weddings Law

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>

CHAPTER 1 – INTRODUCTION		
Q1	We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so: (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out? (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)? (3) have you experienced any	
Q2	We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.	
Q3	We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.	
CHAPTER 2 – THE CURRENT LAW		
CHAPTER 3 – OVERVIEW OF OUR PROPOSED SCHEME		
CHAPTER 4 – PRELIMINARIES		
Q4	We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished. Do consultees agree?	Yes, current designated notice requirements will prevent abuse of the system and reducing the residency requirement will create flexibility for couple resident elsewhere

Q5	<p>We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate inperson interview at a later date.</p> <p>Do consultees agree?</p>	<p>This could put pressure on registration services to provide an appointment to attend in person where they do not have capacity because the individual has started the process online regardless of appointment availability. It could raise a level of expectation of when a marriage can take place before any potential delays have been identified</p>
Q6	<p>We invite consultees' views as to whether the minimum period between the inperson interviews and the date from which the couple can get married should be:</p> <p>(1) three days; (2) seven days; or (3) another period of time</p>	<p>From a practical perspective for services to administer, 3 days may be too few where offices are open part time and/or weekend delays are included. At least 7 days would be more practical.</p>
Q7	<p>We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.</p>	<p>How does this align with treating everyone equally? If face to face interviews do not take place will some sham or forced marriage issues be missed? Will it be easier for some couples to commit perjury?</p>
Q8	<p>We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.</p>	<p>This does not occur frequently but can be very useful for couples to be able to do this</p>
Q9	<p>We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm.</p> <p>Do consultees agree?</p>	<p>Yes, it seems a more effective way in which to display notices. It is an expectation of many couples that this is already the process</p>
Q10	<p>We provisionally propose that the schedule should be valid for 12 months from the date of issue.</p> <p>Do consultees agree?</p>	<p>This would make little difference and may be easier for the couples to understand</p>
Q11	<p>We provisionally propose that:</p> <p>(1) the schedule should identify the officiant who will officiate at the wedding; and</p>	<p>This would be very difficult for registration services to manage where schedules are valid for 12 months. It is not possible to know at the</p>

	(2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree?	time of issue which member of staff may be the officiant as staffing rotas cannot be planned this far in advance. This process would require schedules to be issued close to the date of the ceremony which would create heavy workload at peak wedding times
Q12	We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay. Do consultees agree? 4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.	This would be vital. It would be easier if the officiant was the superintendent registrar for the district (or deputy) rather than naming an individual for civil marriages. Religious marriages are subject to less changes and may be easier to name the officiant
Q13	We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales. Do consultees agree?	Universal civil preliminaries would negate the need for this
Q14	We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed. Do consultees agree?	Universal civil preliminaries would negate the need for this
Q15	We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.	
Q16	We invite consultees' views as to whether to authorise an Anglican wedding clergy should: (1) have the power to call for documentary evidence and be required to check such evidence; and (2) be required to meet with each of the couple separately, before banns are published.	This should be the case to be equal to civil preliminaries
Q17	We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage	Yes, this is in line with civil preliminaries and was introduced as a better practice in 2000 on the back of sham provisions. At the same time 48 hour licenses were stopped as it was considered that this was not sufficient time for

	in order for a common licence to be granted to authorise an Anglican wedding.	couples to consider marriage. Equally requiring both parties to give notice ensures that they are not able to plan a marriage without the other party being aware.
Q18	We invite consultees' views as to whether: (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or (2) all weddings should be preceded by civil preliminaries.	Civil preliminaries for all weddings would be a more robust process and avoid confusion where couples are unsure what they are required to do. Sham and forced marriages would be more likely to be detected as would any potential to detect any other crime.
CHAPTER 5 – OFFICIANTS		
Q19	We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to: (1) ensure that the parties freely express consent to marry each other; (2) ensure that the other requirements of the ceremony are met; and (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed. Do consultees agree?	yes
Q20	We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?	This is fine where religious premises have someone to carry out this role. Not all premises want to work like this and some prefer a registrar to attend for the official part of the proceedings
Q21	We provisionally propose that only one registration officer should need to officiate at a civil wedding. Do consultees agree?	Technically this can work as it does for civil partnerships, however consideration needs to be given to the times where there is a large wedding party requiring some crowd control and no one else on hand to assist, or for the occasions when the marriage cannot proceed.
Q22	We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office. Do consultees agree?	yes
Q23	We provisionally propose that: (1) for religious organisations ⁸¹ other than the Church of England or the Church	Yes, will there be a register of officiants?

	<p>in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and</p> <p>(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.</p> <p>Do consultees agree?</p>	
Q24	<p>We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in <i>R (Hodkin) v Registrar General of Births, Deaths and Marriages</i>⁸²) as</p> <p>An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.</p>	Yes, clear guidance will be needed
Q25	<p>We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:</p> <p>(1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and</p> <p>(2) a wedding service or a sincerely held belief about marriage.</p> <p>Do consultees agree?</p>	Yes, there would need to be clear requirements and guidelines to prevent clandestine marriages taking place

Q26	We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.	Yes, agree
Q27	We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.	
Q28	We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants. Do consultees agree?	Yes, agree strongly
Q29	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?	Yes, this needs to be carefully regulated should it become law
Q30	We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are "fit and proper" persons. Do consultees agree?	agree
Q31	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are "fit and proper" persons by proving that they:	agree

	<p>(1) are aged at least 18;</p> <p>(2) understand the legal requirements for being an officiant and performing the role; and</p> <p>(3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.</p> <p>Do consultees agree?</p>	
Q32	<p>We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs.</p> <p>Do consultees agree?</p>	agree
Q33	<p>We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.</p> <p>Do consultees agree?</p>	agree
Q34	<p>We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:</p> <p>(1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or</p> <p>(2) nominated by both a religious and a non-religious belief organisation.</p> <p>Do consultees agree?</p>	agree
Q35	<p>We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.</p> <p>Do consultees agree?</p>	Strongly agree

Q36	We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted. Do consultees agree?	agree
Q37	We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree?	Agree but GRO should have the power to withdraw where necessary as well
Q38	We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?	Answered above!
Q39	We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?	Agree
Q40	We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?	Agree
Q41	We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?	Agree

CHAPTER 6 – THE WEDDING CEREMONY

Q42	<p>We provisionally propose that:</p> <p>(1) during every wedding ceremony, the parties:</p> <p>(a) should be required to express their consent to be married to each other, whether orally or otherwise, but</p> <p>(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);</p> <p>(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;</p> <p>(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and</p> <p>(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).</p> <p>Do consultees agree?</p>	<p>Concerned re 1(b) as this has been the point at which an impediment to marriage has been revealed and prevented a bigamous marriage from occurring. This public declaration is the final point at which such an issue can be declared, and in the case of someone potentially committing a crime, is very public and makes them less likely to proceed where there is an impediment</p>
Q43	<p>We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.</p> <p>Do consultees agree?</p>	<p>Guidance would be helpful for this as not all couples will want such freedom. If marriage is to remain 'seemly and dignified' this may need addressing</p>
Q44	<p>We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations</p>	<p>agree</p>

	<p>on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice).</p> <p>Do consultees agree?</p>	
Q45	<p>We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.</p>	<p>Guidance may help with this. Will couples take this to the point that the civil officiant is asked to lead prayers and so forth, as this would not feel appropriate</p>
Q46	<p>We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed.</p> <p>Do consultees agree?</p>	<p>Yes</p>
Q47	<p>We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.</p> <p>Do consultees agree?</p>	<p>If this is repealed and there were a legal objection how would this be dealt with if access was barred? Whilst this is infrequent, it is better to prevent a void marriage from occurring</p>
CHAPTER 7 – LOCATION		
Q48	<p>We provisionally propose that all weddings should be legally permitted to take place anywhere.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether the law should limit weddings in any particular venues, including:</p> <ul style="list-style-type: none"> (1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes. 	<p>The UK climate is not conducive with weddings taking place anywhere, there needs to be some guidance for the requirement for contingencies in the case of inclement weather. Due consideration to health and safety of venues needs to be given. Officiants should not be put into difficult situations where conditions on the day mean that proceeding will be impractical, but couples refuse to change their plans.</p> <p>Emergency replacement officiants may be tricky where certain 'venues' have been agreed to.</p>

		Local authorities may have to impose restrictions that independent officiants may not apply which could inadvertently result in potential issues and clandestine marriages. There is a danger that marriage could become frivolous.
Q49	We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages. Do consultees agree?	Potentially, but if this is the case, venues will need to meet health and safety requirements
Q50	We invite consultees' views as to whether the law should prohibit: (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues? (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues? (3) (if non-religious belief organisations are enabled by Government to officiate at weddings)	Agree
Q51	We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved. Do consultees agree?	This could be an issue with independent officiants, should local authorities or GRO be part of the process?
Q52	We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is: (1) safe, and (2) dignified. Do consultees agree? We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding. Do consultees agree?	Agree Agree

Q53	<p>We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.</p> <p>7.200 If consultees agree that there should be such a pre-approval process:</p> <p>(1) who should be responsible for it, and</p> <p>(2) how should it work?</p>	<p>Yes this would be a good idea and the local authority could control this. Could be done in a similar way to the current approved premises approval process</p>
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CHAPTER 8 – REGISTRATION

Q54	<p>We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:</p> <p>(1) the date of the wedding;</p> <p>(2) the location of the wedding; and</p> <p>(3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".</p> <p>Do consultees agree?</p>	<p>Location could be an issue, should this not be predetermined at notice as currently is the case. If it were left to the interpretation of the officiant, then there could be errors and differences in descriptions which could cause issues in the future for the couple</p>
Q55	<p>We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.</p> <p>Do consultees agree?</p>	<p>Yes, provided that the person registering speaks the relevant language</p>
Q56	<p>We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.</p> <p>Do consultees agree?</p>	<p>If it is robust and reliable with a paper alternative in the event of system failure</p>

CHAPTER 9 – EQUALITY LAW AND RELIGIOUS WEDDINGS

CHAPTER 10 – VALIDITY AND OFFENCES

Q57	<p>We provisionally propose that any one of the following factors on its own should render a marriage void:</p> <p>(1) the failure of both or either party to give notice of the intended marriage to the</p>	<p>Yes</p>
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	<p>registration service, or (if Anglican preliminaries are retained) the relevant Church authority;</p> <p>(2) the wedding taking place after authority to marry had lapsed;</p> <p>(3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or</p> <p>(4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the following factors should not render a marriage void:</p> <p>(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;</p> <p>(2) the absence of witnesses; and</p> <p>(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.</p> <p>Do consultees agree?</p>	<p>Depends what the mistake is</p> <p>Could validity not be challenged if the marriage were not witnessed?</p> <p>(3) this could take place at a later date in the presence of the couple, witnesses and officiant?</p>
Q58	<p>We provisionally propose that the following factors should result in a non-qualifying ceremony:</p> <p>(1) both:</p> <p>(a) failure of one or both parties to the marriage to give notice of the intended marriage, and</p> <p>(b) either:</p> <p>(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or</p> <p>(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or</p> <p>(2) failure of one or both parties to express consent to the marriage.</p> <p>109</p>	<p>yes</p>

	Do consultees agree?	
Q59	<p>We provisionally propose that a presumption in favour of the validity of a marriage should arise where:</p> <p>(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or</p> <p>(2) the couple have given notice and gone through a ceremony with a person acting as officiant, but should not require the couple to have cohabited for any period after its celebration.</p> <p>Do consultees agree?</p> <p>10.132 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>yes</p>
Q60	<p>We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.</p> <p>Do consultees agree?</p>	yes
Q61	<p>We provisionally propose that it should be an offence:</p> <p>(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony;</p> <p>or</p> <p>(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.</p> <p>Do consultees agree?</p>	Yes
CHAPTER 11 – SPECIAL TYPES OF WEDDING		
Q62	<p>We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.</p>	no

Q63	<p>We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.</p> <p>Do consultees agree?</p>	<p>No, this could slow down the process and add a layer of unnecessary admin when urgency is required. It is for the doctor to determine and the registrars at the time of the marriage to be satisfied that the person understands the nature of what they are doing and wishes to be married</p>
Q64	<p>We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers.</p> <p>Do consultees agree?</p>	<p>Yes if the process can be dealt with in the same speedy manner as for RGs</p>
Q65	<p>We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months.</p> <p>Do consultees agree?</p>	<p>No if this has been done as a special process because one party is ill and expected to die soon. If the prognosis is not urgent then normal processes could be applied</p>
Q66	<p>We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months.</p> <p>Do consultees agree?</p>	<p>yes</p>
Q67	<p>We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:</p> <p>(1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;</p> <p>(2) both stages of civil preliminaries to take place entirely remotely;</p> <p>(3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and</p> <p>(4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should be able to apply to</p>	<p>(1) YES</p> <p>(2) Yes</p> <p>(3) Yes, but only in required circumstances, otherwise the solemnity and dignity of marriage could be lost</p> <p>(4) Yes</p>

	<p>all couples, depending on the nature and length of the emergency. Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover. Do consultees agree?</p>	<p>Yes</p> <p>Potentially, but clear guidance must be given as to what this means – risky surgery? Deployed to a war zone?</p>
Q68	<p>We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree?</p>	Not sure
Q69	<p>We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?</p>	No, this could lead to future confusion
Q70	<p>We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.</p>	Exception for forces personnel
Q71	<p>We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant. Do consultees agree?</p>	
Q72	<p>We provisionally propose that weddings on ships in international waters should be officiated by: (1) deck officers who have been authorised by the Registrar General as maritime officiants; and</p>	Yes

	<p>(2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants. Do consultees agree?</p> <p>We provisionally propose that maritime officiants should be subject to the same rules as we have provisionally proposed should apply to independent officiants. Do consultees agree?</p> <p>We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant. Do consultees agree?</p>	<p>Yes</p> <p>Yes</p>
Q73	We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.	
Q74	<p>We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible. Do consultees agree?</p>	There needs to be some time limit albeit an extended one.
CHAPTER 12 – FEES		
Q75	<p>We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree?</p>	Yes
Q76	We invite consultees' views as to whether the fee for both parties to give notice of a	Same fee with the ability to reduce on compassionate grounds

	wedding involving a person who is terminally ill should be: (1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or (2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.	
Q77	We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation. Do consultees agree?	Yes
Q78	We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis. Do consultees agree?	Yes
Q79	We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree?	Yes
Q80	We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales. Do consultees agree?	Provided that this is calculated fairly and accurately and increased regularly in line with costs
Q81	We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to	yes

	additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony. Do consultees agree?	
Q82	We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the same fees as prescribed for the registration officer to officiate at any other wedding outside the register office. Do consultees agree?	Yes
Q83	We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee.	There should be a set fee, in my experience cost has never been an issue and the current low fees have seemed ridiculous
Q84	We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree?	Yes

CHAPTER 13 – THE POTENTIAL IMPACT OF OUR PROPOSALS

Q85	We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.	I do not believe that the current laws prevent anyone from marrying who wishes to do so. Couples can choose between religious and civil marriage and have a wide choice of venue to suit most. There is a small number of couples that desire more flexibility in venue, to include outdoor weddings, big houses, gardens and less restrictive venues. The fundamental process of getting marrieds and the marriage ceremony do not form a barrier currently. The biggest issue is for couples who struggles to prove their nationality.
Q86	We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings;	(1) Currently have ample availability and costs to suit all budgets

	<p>(2) the costs of marrying on approved premises;</p> <p>(3) the costs of marrying in registered places of worship;</p> <p>(4) the costs of marrying in locations that are not authorised for weddings under the current law; and</p> <p>(5) the necessity and costs of a having a separate, legally recognised wedding.</p> <p>13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:</p> <p>(1) the availability of register office weddings and any savings in relation to them;</p> <p>(2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and</p> <p>(3) the necessity of a separate, legally recognised wedding and any consequent savings.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>(2) The registration fees generally are fair for the work involved, fees charged by venues vary</p> <p>(3) this can prove costly in some venues, particularly where the couple are not part of the church. For couples associated with religious buildings, fees are often waived</p> <p>(4) No idea, but clearly this is uncontrolled</p> <p>(5) (1) this is the most cost effective solution and affordable to most</p> <p>(5)(2) Savings may not be realised by the couples for one off venues as extra work will be involved to assess that the location complies with health and safety measure etc</p> <p>(5)(3) Not having to attend the register office for a legal ceremony in addition to a non legal ceremony will clearly save costs, but as mentioned above this saving could be lost in the preparation of a one off venue.</p>
Q87	<p>We invite consultees' views on the impact of the current law on venues, including in relation to:</p> <p>(1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, 40 including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and</p> <p>(2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance.</p> <p>13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:</p> <p>(1) hosting weddings without requiring Government pre-approval;</p>	<p>(1) Any costs would be incurred from reasonable requests from the local authority in order to ensure health and safety for marriage venues</p> <p>(2) (1) this could be a saving, but the cost will be somewhere else in the process, and if a one off venue, that cost could fall to the couple</p>

	<p>(2) the availability of registration officers for civil weddings;</p> <p>(3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and</p> <p>(4) the business opportunities arising from an increase in the number of weddings in England and Wales.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.</p>	<p>(2)(2) this may be good for very busy areas, but generally local authorities appoint sufficient staff to cover demand</p> <p>(2)(3) this may be popular, but many religious bodies want the couple to marry in their religious premises</p> <p>(2)(4) I believe that there is unlikely to be a huge increase in the number of weddings, few couples choose not to marry because of the current legislation</p>
Q88	<p>We invite consultees' views on the impact of the current law on local authorities.</p> <p>We invite consultees' views on the potential benefits to local authorities of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>For the local authorities, additional work could be involved in the new proposals that will attract less income than the current processes and result in a greater burden on local authorities. Many local authorities currently provide excellent marriage facilities and services, which the many couples benefit from. This could be reduced if income is reduced to the service as a result of the changes. For many couples these standard offerings are what they can afford. The changes need to be for the benefit of all couples, not just those able to afford alternate options to the detriment of the basic service provided for the majority.</p>
Q89	<p>We invite consultees' views on the impact of the current law on:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get</p>	<p>(1) This is straight forward now if within England or Wales</p> <p>(2) Changes to the fundamental notice process could assist these couples, but this should be balanced with the risk of more sham marriages</p> <p>(1) This is dependent on the country where the marriage is to take place</p> <p>(2) An easier notice process with virtual options could make this easier, but again, we need to be mindful of sham marriages</p>

	<p>married.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	
Q90	<p>We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.</p> <p>We invite consultees' views on the potential benefits to the United Kingdom ship register and the maritime industry of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>This may be easier if all records are held in one central point electronically</p>
Q91	<p>We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:</p> <ul style="list-style-type: none"> (1) Government and local authorities; (2) businesses; (3) religious (and non-religious belief) organisations; (4) independent officiants; and / or (5) couples. 	<p>There will be a cost to Governemnt / Local authorities potentially in the setting up, monitoring, approving of venues etc against a potential loss in income from attending venues for marriages and a drop in demand for their own venues resulting in poorer accommodation and less facilities.</p> <p>Training and getting approval for officiants will be a cost for religious bodies and independent officiants</p> <p>Couples may bear the cost to lost of elements which will be passed onto them, in particular where there are one off venues being used. Currently cost are fixed, but this would be more fluid under some of the proposals</p>

[REDACTED]

From: [REDACTED]
Sent: 20 November 2020 13:14
To: Weddings
Cc: [REDACTED]
Subject: Consultation on Wedding Law

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

By way of introduction we are the owners of a new wedding venue which has just gone through the process of obtaining a ceremonies licence. We have recently paid the full fee to obtain this licence and would like to make the following comments:-

We have serious concerns about licensing the officiant rather than the venue. We have just invested heavily in creating a licensed wedding venue. We are therefore very uneasy about proposals to widen couples' choices of where to get married. This will potentially decrease the amount of ceremonies being held here which would obviously have a detrimental effect on our new business. This comes at an extremely challenging time when our business has already been badly affected by Covid-19 restrictions.

Also, if these changes were to go ahead we would like to pose the following questions:-

- Who will regulate the officiants?
- As part of the licensing process we were required to produce detailed fire and Covid risk secure assessments. How will health and safety be regulated across such a wide choice of ceremony venues, including couples' homes?
- Will existing licensed venues be given a refund/partial refund for their licence fees?

We also would like to state that we welcome the following proposals:-

- Wedding ceremonies being allowed to take place in outdoor spaces (if this were to be at a licensed venue)
- Couples being able to have religious songs, reading and hymns as part of their civil wedding.

I trust you will give these points your careful consideration.

Kind regards,

[REDACTED]
Sedgewell Barn Weddings
Wigwam® Holidays Sedgewell Barn
Sedgefield House Farm

[REDACTED]

Web: <https://www.sedgewellbarn.co.uk/event-hire/>



[REDACTED]

From: [REDACTED]
Sent: 22 November 2020 09:29
To: Weddings
Subject: Reforms to Wedding Laws

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs

I have been made aware of your consultation regarding a long overdue update of the wedding laws in the UK.

I would like to raise some concerns in the possible relaxation of who can carry out a legally binding wedding. I am sure you are aware of a campaign called "Justice for Joan" and [REDACTED] is a friend of mine. I remember saying to [REDACTED] about a year before her mum's death "but what if he marries her". She had been assured by several authorities that this couldn't happen and yet it did.

There can be no doubt that, had the registrars had proper training with regard to assessing a person's capacity to marry that this wedding would not have taken place. And that is the first alteration that needs to be made. That registrars/wedding celebrants are fully advised and trained in relation to assessing a person's capacity and for them to have an understanding that predatory marriage is happening with sad frequency.

Another alteration that should be made is that a marriage should no longer revoke a will. This is a very outdated law. I would imagine that most people wouldn't know that one bit of paper out-trumps another. It leaves the door wide open for predatory marriage to take place.

[REDACTED] story is not a one off by any means. Please let this consultation make some real and positive changes which protect vulnerable people from being preyed on by predators for their inheritance.

Yours faithfully
[REDACTED]

Getting Married: A Consultation Paper on Weddings Law

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>

CHAPTER 1 – INTRODUCTION		
Q1	We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so: (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out? (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)? (3) have you experienced any	
Q2	We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.	
Q3	We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.	Ceremonies are shorter with less options for extra enhancements, photography affected, lack of interaction with couples. Wearing masks at ceremonies is impersonal and difficult to communicate.
CHAPTER 2 – THE CURRENT LAW		
CHAPTER 3 – OVERVIEW OF OUR PROPOSED SCHEME		
CHAPTER 4 – PRELIMINARIES		
Q4	We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished. Do consultees agree?	No, we think it should remain at 7 days.

Q5	<p>We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate inperson interview at a later date.</p> <p>Do consultees agree?</p>	<p>No, face to face appointments for the whole process allow SR to meet the couple and assess the situation i.e. sham and forced marriages. It would make the process easier having the information beforehand but would be detrimental to the validity of the information received and the whole process.</p>
Q6	<p>We invite consultees' views as to whether the minimum period between the inperson interviews and the date from which the couple can get married should be:</p> <p>(1) three days; (2) seven days; or (3) another period of time</p>	<p>Leave at 28/70 days, gives time for someone to object and for either party to retract if being forced/sham. Also gives time to plan rotas for registrars to cover ceremonies.</p>
Q7	<p>We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.</p>	<p>Difficult to check validity of documents and the parties, possible difficulties with IT, emphasis on registrars to decide who to be seen in-person.</p>
Q8	<p>We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.</p>	<p>Stay as is.</p>
Q9	<p>We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm.</p> <p>Do consultees agree?</p>	<p>Yes, however remove occupation i.e. police officers, member of the armed forces.</p>
Q10	<p>We provisionally propose that the schedule should be valid for 12 months from the date of issue.</p> <p>Do consultees agree?</p>	<p>Yes</p>
Q11	<p>We provisionally propose that:</p> <p>(1) the schedule should identify the officiant who will officiate at the wedding; and</p>	<p>Absolutely not, too difficult to plan up to 12 months ahead.</p>

	(2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree?	
Q12	We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay. Do consultees agree? 4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.	Yes, if it is decided a officiant has to be named in the first place.
Q13	We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales. Do consultees agree?	
Q14	We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed. Do consultees agree?	
Q15	We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.	
Q16	We invite consultees' views as to whether to authorise an Anglican wedding clergy should: (1) have the power to call for documentary evidence and be required to check such evidence; and (2) be required to meet with each of the couple separately, before banns are published.	
Q17	We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage in order for a common licence to be granted to authorise an Anglican wedding.	

Q18	<p>We invite consultees' views as to whether:</p> <p>(1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or</p> <p>(2) all weddings should be preceded by civil preliminaries.</p>	
CHAPTER 5 – OFFICIANTS		
Q19	<p>We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to:</p> <p>(1) ensure that the parties freely express consent to marry each other;</p> <p>(2) ensure that the other requirements of the ceremony are met; and</p> <p>(3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed.</p> <p>Do consultees agree?</p>	Yes
Q20	<p>We provisionally propose that registration officers should only be able to officiate at civil weddings.</p> <p>Do consultees agree?</p>	Yes
Q21	<p>We provisionally propose that only one registration officer should need to officiate at a civil wedding.</p> <p>Do consultees agree?</p>	Yes
Q22	<p>We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.</p> <p>Do consultees agree?</p>	
Q23	<p>We provisionally propose that:</p> <p>(1) for religious organisations⁸¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and</p>	

	<p>(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.</p> <p>Do consultees agree?</p>	
Q24	<p>We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in R (Hodkin) v Registrar General of Births, Deaths and Marriages⁸²) as</p> <p>An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.</p>	
Q25	<p>We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:</p> <p>(1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and</p> <p>(2) a wedding service or a sincerely held belief about marriage.</p> <p>Do consultees agree?</p>	
Q26	<p>We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the</p>	

	organisation promotes purposes that are unlawful or contrary to public policy or morality.	
Q27	We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.	
Q28	We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants. Do consultees agree?	
Q29	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?	
Q30	We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are "fit and proper" persons. Do consultees agree?	
Q31	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are "fit and proper" persons by proving that they: (1) are aged at least 18; (2) understand the legal requirements for being an officiant and performing the role; and	

	(3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General. Do consultees agree?	
Q32	We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs. Do consultees agree?	
Q33	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding. Do consultees agree?	
Q34	We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be: (1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or (2) nominated by both a religious and a non-religious belief organisation. Do consultees agree?	
Q35	We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage. Do consultees agree?	Yes
Q36	We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted. Do consultees agree?	Yes

Q37	We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree?	
Q38	We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?	Yes
Q39	We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?	Yes
Q40	We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?	Yes
Q41	We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?	
CHAPTER 6 – THE WEDDING CEREMONY		
Q42	We provisionally propose that: (1) during every wedding ceremony, the parties: (a) should be required to express their consent to be married to each	(a) Yes

	<p>other, whether orally or otherwise, but (b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);</p> <p>(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;</p> <p>(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and</p> <p>(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).</p> <p>Do consultees agree?</p>	<p>(b) No, should be expressed during ceremony</p> <p>3. Agree</p> <p>4. Disagree, marriage should be formed by the spoken word as current</p>
Q43	<p>We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.</p> <p>Do consultees agree?</p>	<p>No, should have an air of dignity and solemnity, couples may choose inappropriate content if allowed to choose themselves.</p>
Q44	<p>We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice).</p>	

	Do consultees agree?	
Q45	<p>We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service. Do consultees agree?</p> <p>We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.</p>	<p>No</p> <p>Yes, a song or tradition or custom</p>
Q46	<p>We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed. Do consultees agree?</p>	<p>Agree it should be allowed as long as the civil ceremony is done first and the registrars have left.</p>
Q47	<p>We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?</p>	<p>No, stay as current.</p>

CHAPTER 7 – LOCATION

Q48	<p>We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?</p> <p>We invite consultees' views as to whether the law should limit weddings in any particular venues, including:</p> <ul style="list-style-type: none"> (1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes. 	<p>Do not agree with anywhere but more flexibility with places that could be licensed, such as public parks/open spaces, marquees, pergolas, bandstands. Risk of allowing in private homes if only one officiant. Would make it confusing taking a notice for an open space and if not already approved.</p>
Q49	<p>We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages. Do consultees agree?</p>	<p>No</p>

Q50	<p>We invite consultees' views as to whether the law should prohibit:</p> <p>(1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues?</p> <p>(2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?</p> <p>(3) (if non-religious belief organisations are enabled by Government to officiate at weddings)</p>	Yes to all
Q51	<p>We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.</p> <p>Do consultees agree?</p>	No, needs to be suitable and safe. Needs risk assessing and continuity so all follow same requirements.
Q52	<p>We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:</p> <p>(1) safe, and</p> <p>(2) dignified.</p> <p>Do consultees agree?</p> <p>We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.</p> <p>Do consultees agree?</p>	As previous question
Q53	<p>We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.</p> <p>7.200 If consultees agree that there should be such a pre-approval process:</p> <p>(1) who should be responsible for it, and</p> <p>(2) how should it work?</p>	As previous question

CHAPTER 8 – REGISTRATION

Q54	We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it: (1) the date of the wedding; (2) the location of the wedding; and (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent". Do consultees agree?	No, strongly disagree
Q55	We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh. Do consultees agree?	Couples choice
Q56	We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security. Do consultees agree?	Further information required

CHAPTER 9 – EQUALITY LAW AND RELIGIOUS WEDDINGS

CHAPTER 10 – VALIDITY AND OFFENCES

Q57	We provisionally propose that any one of the following factors on its own should render a marriage void: (1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority; (2) the wedding taking place after authority to marry had lapsed; (3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or (4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case	Agree 1-4
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	<p>of same-sex marriages. Do consultees agree?</p> <p>We provisionally propose that the following factors should not render a marriage void:</p> <p>(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;</p> <p>(2) the absence of witnesses; and</p> <p>(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.</p> <p>Do consultees agree?</p>	<ol style="list-style-type: none"> 1. Agree 2. Not agree 3. Not agree
Q58	<p>We provisionally propose that the following factors should result in a non-qualifying ceremony:</p> <p>(1) both:</p> <p>(a) failure of one or both parties to the marriage to give notice of the intended marriage, and</p> <p>(b) either:</p> <p>(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or</p> <p>(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or</p> <p>(2) failure of one or both parties to express consent to the marriage.</p> <p>109</p> <p>Do consultees agree?</p>	<p>Yes to all</p>
Q59	<p>We provisionally propose that a presumption in favour of the validity of a marriage should arise where:</p> <p>(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or</p> <p>(2) the couple have given notice and gone through a ceremony with a person acting as officiant,</p>	<ol style="list-style-type: none"> 1. Agree 2. Agree

	<p>but should not require the couple to have cohabited for any period after its celebration.</p> <p>Do consultees agree?</p> <p>10.132 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.</p> <p>Do consultees agree?</p>	<p>Yes</p> <p>Yes</p>
Q60	<p>We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.</p> <p>Do consultees agree?</p>	
Q61	<p>We provisionally propose that it should be an offence:</p> <p>(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony;</p> <p>or</p> <p>(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.</p> <p>Do consultees agree?</p>	Yes definitely.
CHAPTER 11 – SPECIAL TYPES OF WEDDING		
Q62	<p>We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.</p>	Works well.
Q63	<p>We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.</p> <p>Do consultees agree?</p>	Disagree, should be as is.
Q64	<p>We provisionally propose that the Registrar General's licence should be abolished,</p>	No

	<p>and that there should be a single form of civil authority to marry – a schedule – issued by registration officers. Do consultees agree?</p>	
Q65	<p>We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months. Do consultees agree?</p>	No should be as is.
Q66	<p>We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months. Do consultees agree?</p>	Yes
Q67	<p>We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:</p> <ul style="list-style-type: none"> (1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency; (2) both stages of civil preliminaries to take place entirely remotely; (3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and (4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule. <p>Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency. Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.</p>	<ul style="list-style-type: none"> 1. Yes 2. Disagree 3. Disagree 4. Disagree <p>Yes to 1.</p>

	Do consultees agree?	Disagree, evidence should be required
Q68	We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree?	
Q69	We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?	
Q70	We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.	
Q71	We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant. Do consultees agree?	
Q72	We provisionally propose that weddings on ships in international waters should be officiated by: (1) deck officers who have been authorised by the Registrar General as maritime officiants; and (2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants. Do consultees agree? We provisionally propose that maritime officiants should be subject to the same	

	<p>rules as we have provisionally proposed should apply to independent officiants. Do consultees agree?</p> <p>We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant. Do consultees agree?</p>	
Q73	We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.	
Q74	<p>We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible. Do consultees agree?</p>	
CHAPTER 12 – FEES		
Q75	<p>We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree?</p>	No, should be same as everyone else
Q76	<p>We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be:</p> <p>(1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or</p> <p>(2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.</p>	Should be same as everyone else

Q77	We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation. Do consultees agree?	Yes
Q78	We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis. Do consultees agree?	Yes
Q79	We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree?	Yes
Q80	We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales. Do consultees agree?	No, should be set by Local Authority
Q81	We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony. Do consultees agree?	Yes
Q82	We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the	Yes, a fee should be charged set by GRO

	same fees as prescribed for the registration officer to officiate at any other wedding outside the register office. Do consultees agree?	
Q83	We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee.	Yes, a fee should be charged set by GRO
Q84	We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree?	Yes

CHAPTER 13 – THE POTENTIAL IMPACT OF OUR PROPOSALS

Q85	We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.	<ol style="list-style-type: none"> 1. Disagree 2. Disagree, don't think couples will be affected regarding the proposals, if they want to marry they will anyway.
Q86	We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings; (2) the costs of marrying on approved premises; (3) the costs of marrying in registered places of worship; (4) the costs of marrying in locations that are not authorised for weddings under the current law; and (5) the necessity and costs of a having a separate, legally recognised wedding.	<ol style="list-style-type: none"> 1) Affordable, legal marriage for anyone requiring it 2) No impact 3) Not aware of costs 4) Not aware of costs 5) Option to have RO stat room

	<p>13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:</p> <ul style="list-style-type: none"> (1) the availability of register office weddings and any savings in relation to them; (2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and (3) the necessity of a separate, legally recognised wedding and any consequent savings. <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<ul style="list-style-type: none"> 1) N/A 2) Freedom of choice 3) ?
Q87	<p>We invite consultees' views on the impact of the current law on venues, including in relation to:</p> <ul style="list-style-type: none"> (1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, 40 including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and (2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance. <p>13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:</p> <ul style="list-style-type: none"> (1) hosting weddings without requiring Government pre-approval; (2) the availability of registration officers for civil weddings; (3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and (4) the business opportunities arising from an increase in the number of 	<p>We always accommodate couples chosen wedding dates.</p> <p>Unsure of the impact.</p>

	<p>weddings in England and Wales.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.</p>	
Q88	<p>We invite consultees' views on the impact of the current law on local authorities.</p> <p>We invite consultees' views on the potential benefits to local authorities of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>Potential loss of control over licensing suitable venues.</p> <p>Impact on accommodating staff rotas.</p> <p>Potential risk of staff attending unsafe locations.</p> <p>Impact on morale of team, potential to lose goodwill of registrars.</p>
Q89	<p>We invite consultees' views on the impact of the current law on:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>Unsure of impact.</p>
Q90	<p>We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.</p> <p>We invite consultees' views on the potential benefits to the United Kingdom ship</p>	

	<p>register and the maritime industry of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	
Q91	<p>We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:</p> <ul style="list-style-type: none"> (1) Government and local authorities; (2) businesses; (3) religious (and non-religious belief) organisations; (4) independent officiants; and / or (5) couples. 	

[REDACTED]

From: [REDACTED]

Sent: 27 November 2020 10:43

To: Weddings

Subject: Re: Law Commission consultation on weddings law

Attachments: Law comm consultation questions.docx

Dear [REDACTED]

I hope you are well.

I have attached the questions and our collated answers.

In summary:

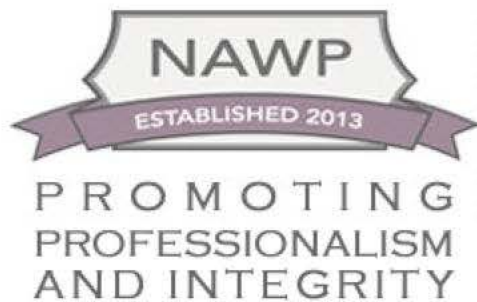
- We agree that the Registrar General should issue guidance on how to assess the safety of a venue for all 'officiants' to follow. A consideration could be if their insurance will now cover them for this, and in the event that an accident of some sort occurs on the day. We raised the point in our meeting that the venue may be approved by the officiant but on the day the couple wants the ceremony conducted on a pier on the lake that is a clear breach of safety. It's unlikely, but as we said, it's to look at the potential loopholes or difficulties that officiants could be faced with.
- There does need to be an approval process for officiants and we are not sure if this should funnel through one official body or whether there will be a number eg register with RG, Anglican approval, Maritime approval, Celebrant listing etc
- We like the idea that the ceremony could perhaps be conducted by a family member or the like, but with an officiant present to oversee and ensure the legal obligations are met.
- The 7 day period to 'register' the marriage after the ceremony seems too short as most couples will be on honeymoon and presumably, they have to be the ones to do this or can it be done electronically? Even then, they may well forget while they are on honeymoon. This is the only element of the proposal we feel is a disadvantage and could be problematic. This is if we have understood this correctly?
- We have raised the issue on notice being online and the access press will have to this information. This will be problematic for high profile couples who wish to marry discreetly. In the past, I have asked my clients to post 3 or 4 notices for different locations to throw the press off the scent. Will this still be an option?
- The residency requirement abolishing is hugely advantageous. If the couple only has to have their meeting 3 days before the wedding, this will make it so much easier for couples to marry in the UK.

We are in favour of the law change and the prevailing considerations are:

- The solemnity of the marriage ceremony isn't diminished by a venue or officiant not being in keeping with the occasion.
- An approval system or listing for all officiants in order that couples don't fall foul to scam artists.

We hope this helps and you know where we are if you require some follow up.

Kind regards,
[REDACTED]



NATIONAL ASSOCIATION OF
WEDDING PROFESSIONALS

TEL: [REDACTED]

WEB: WWW.NAWP-UK.COM



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From: [REDACTED]
Sent: 04 November 2020 10:41
To: [REDACTED]
Subject: RE: Law Commission consultation on weddings law

Dear [REDACTED]

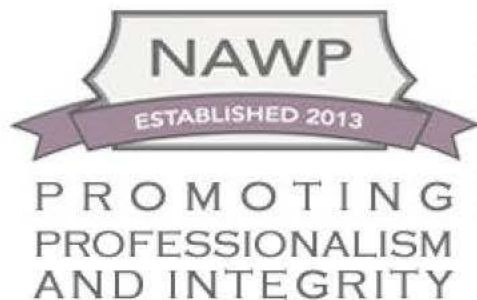
No worries. We are grateful for you taking the time to attend the meeting, and hope that you found it useful. We look forward to receiving your consultation response.

Best wishes,
[REDACTED]

From: NAWP . [REDACTED] On Behalf Of NAWP .
Sent: 03 November 2020 16:55
To: Weddings <Weddings@lawcommission.gov.uk>
Subject: Re: Law Commission consultation on weddings law

Thanks [REDACTED] I remember replying to say I'd be there, but I couldn't find it in the sent box when I looked - so apologies if it was my oversight. It was a good meeting and we are collating our replies to the consultation paper.

Best wishes,
[REDACTED]



NATIONAL ASSOCIATION OF
WEDDING PROFESSIONALS

TEL: [REDACTED]

WEB: WWW.NAWP-UK.COM



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From: Weddings <Weddings@lawcommission.gov.uk>
Sent: 03 November 2020 15:00
To: NAWP . [REDACTED]
Subject: RE: Law Commission consultation on weddings law

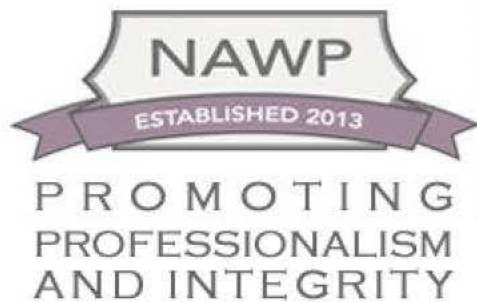
Dear [REDACTED]

Here is the link: [Join Microsoft Teams Meeting](#).

Best,
[REDACTED]

From: NAWP . [REDACTED] **On Behalf Of** NAWP .
Sent: 03 November 2020 14:58
To: Weddings <Weddings@lawcommission.gov.uk>
Subject: Re: Law Commission consultation on weddings law

Hi [REDACTED]
I don't seem to have the link for today's roundtable, can you send it?
Thanks,
[REDACTED]



NATIONAL ASSOCIATION OF
WEDDING PROFESSIONALS

TEL: [REDACTED]

WEB: WWW.NAWP-UK.COM



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From: Weddings <Weddings@lawcommission.gov.uk>
Sent: 08 October 2020 15:54
To: [REDACTED]
Subject: RE: Law Commission consultation on weddings law

Dear [REDACTED]

We were pleased to meet with you last week, and glad to hear that the NAWP plans to submit a consultation response.

I'm not sure if we mentioned that we are planning to hold a series of virtual consultation events, two of which may be of interest to you.

Roundtable event – Tuesday, 3 November at 3pm

We are organising a virtual roundtable discussion, to consider the potential impact of the provisional proposals we make for reform in the Consultation Paper on wedding venues and other businesses involved in wedding ceremonies.

The aim of the roundtable is to facilitate an open discussion among attendees about our provisional proposals for reform.

In our Consultation Paper, we make provisional proposals for a new scheme, covering every step of the process of getting married – preliminaries, the ceremony and registration. Our provisional scheme is based on regulation of the officiant. That marks a significant shift in focus from the current law, under which regulation is generally based around the building in which the wedding takes place. Under our proposed scheme, there would be no system of Government pre-authorisation of a wedding venue; instead, a wedding ceremony could take place anywhere the officiant and couple agreed.

The Consultation Paper can be found online (<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>), as can a shorter summary (<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Weddings-CP-Summary-final-web.pdf>).

We think the roundtable discussion would be most useful if attendees made themselves familiar with the provisional proposals relevant to the discussion in advance of the roundtable. We therefore suggest that attendees please read Chapter 7 of the Consultation Paper.

We will also circulate a list of questions for discussion in advance of the session.

We plan to host this roundtable event over Microsoft Teams on Tuesday, 3 November at 3.00pm.

Instructions on how to join the event if you don't have Microsoft Teams can be found here: <https://support.microsoft.com/en-us/office/join-a-meeting-without-a-teams-account-c6efc38f-4e03-4e79-b28f-e65a4c039508>.

You will be on camera and able to speak during the roundtable. Please be courteous of other attendees by not interrupting, and not speaking for too long.

Because this is a virtual event, we think it will work best to limit the numbers of attendees, in order to facilitate the participation of everyone attending. We therefore request that you do not forward this invitation on. If you have suggestions for another stakeholder who you think should participate, please get in touch to let us know.

Please RSVP by responding to this email. We hope you will be able to join us, and we look forward to the discussion.

Virtual Q&A event – Friday, 6 November at 10am

Separately from the roundtable event, we are holding a series of virtual question and answer events to discuss our provisional proposals for reform, which are open to all. On Friday, 6 November at 10.00am we will be holding an event focussing on the proposals most relevant to wedding venue providers.

The event is aimed at businesses and other organisations that host weddings or are interested in doing so. More details about the event, including how people can sign up, can be found [here](#).

If you know of anyone who might be interested in finding out more about our work, we would be grateful if you would pass on details of the event. We do, of course, also invite written consultation responses from anyone with views on our provisional proposals.

Kind regards,





1st Floor, Tower, Post Point 1.52, 52 Queen Anne's Gate, London, SW1H 9AG (access via 102 Petty France)



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From: Weddings
Sent: 16 September 2020 09:35
To: NAWP . [REDACTED]
Subject: RE: Law Commission consultation on weddings law

Dear [REDACTED]

Many thanks for your swift reply. We shall look forward to meeting with you on the 30th.

Please click the link below to join via MS Teams, on the day.

[Join Microsoft Teams Meeting](#)

If you do not have the Teams app installed on your device, I understand that it is possible to join via a web browser, but I would recommend checking compatibility in advance.

Kind regards,

[REDACTED]

[REDACTED]

1st Floor, Tower, Post Point 1.52, 52 Queen Anne's Gate, London, SW1H 9AG (access via 102 Petty France)

[REDACTED]

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Sent: 16 September 2020 09:24

To: Weddings <Weddings@lawcommission.gov.uk>

Subject: Re: Law Commission consultation on weddings law

Dear [REDACTED]

Thank you for your email and I would be delighted to meet with you at 10am on Wednesday 30th.

We are happy to submit a written response too, if also required.

Best wishes,

From: Weddings <Weddings@lawcommission.gov.uk>

Sent: 16 September 2020 08:07

Subject: FW: Law Commission consultation on weddings law

Dear [REDACTED]

Following the launch of the Law Commission's consultation on weddings law reform earlier this month, I write to ask whether you would like to meet with members of the weddings team to discuss our provisional proposals for reform? A meeting would be an opportunity for you to share your initial thoughts on the new scheme for weddings that we propose in our *Getting Married* Consultation Paper, and to ask any questions that you have.

We hope that you will be able to submit a written response to the specific questions we ask in our Consultation Paper. However, also having a meeting with you would enable us to better understand the issues of particular interest to the National Association of Wedding Professionals.

If you would like to have a meeting, may I suggest one of the following times.

Wednesday, 30 September at 10.00 to 11.00am.

Friday, 2 October at 12.30 to 1.30pm.

Law Commission staff are currently working from home, and so our meeting would need to be held by videoconference.

Kind regards,

[REDACTED] | Property, Family and Trust Law Team

1st Floor, Tower, Post Point 1.52, 52 Queen Anne's Gate, London, SW1H 9AG (access via 102 Petty France)

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From: Weddings

Sent: 03 September 2020 09:07

law

[Sent on behalf of]

The Law Commission has today published *Getting Married: A Consultation Paper on Weddings Law*. In the Consultation Paper, we make provisional proposals for a comprehensive new legislative scheme to replace the outdated, overly-restrictive current law of weddings, much of which dates from 1836. We ask questions for consultees on each aspect of the law governing how and where couples can get married in England and Wales, from giving notice, to the location and content of the ceremony, the people who must attend, and how marriages are registered. Our proposals aim to give couples greater choice within a simple, fair and consistent legal structure, so that people can have a wedding that is meaningful to them. Our review also considers the consequences for the validity of weddings when any of the legal requirements are not met.

Alongside the Consultation Paper, available [here](#), we have published a shorter summary document, [here](#), and an at-a-glance overview, [here](#).

The publication of the Consultation Paper marks the opening of a period of public consultation, which will last until 3 December 2020. Written submissions to our consultation can be sent to us using the [online response form](#). Where possible, it would be helpful if this form was used. Alternatively, comments may be sent:

- by email to weddings@lawcommission.gov.uk; or
- by post to Weddings Team, Law Commission, 1st Floor, 52 Queen Anne's Gate, London, SW1H 9AG. (If you send your comments by post, it would be helpful if, whenever possible, you could also send them electronically.)

We are keen to hear the full range of views, and would welcome your submission answering as many or as few questions as you like. We would be grateful if you would share this email with any individuals or organisations who you think may be interested in our project. We would also be pleased to meet with you to discuss our proposals and will be in touch to arrange a date in due course.

More information about our project can be found on our website, [here](#). Updates about consultation events will be published on our website in the coming weeks.

Yours sincerely,

Post Point 1.51, 52 Queen Anne's Gate, London SW1H 9AG

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Consultation Question 1. N/A

Consultation Question 2. N/A

Consultation Question 3.

1.65 We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.

A number of our members have worked at weddings of 15 or 30 guests max during this time. Their experience from a ceremony point of view is that it hasn't impacted the civil ceremonies as much as the religious ones where singing has not been allowed.

Consultation Question 4.

4.92 We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished.

Do consultees agree? We agree. There are options proposed by you that replace the necessity and make it easier for couples who live abroad to marry in the UK.

Consultation Question 5.

4.93 We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate inperson interview at a later date.

Do consultees agree? Yes.

Consultation Question 6.

4.94 We invite consultees' views as to whether the minimum period between the inperson interviews and the date from which the couple can get married should be:

- (1) three days;
- (2) seven days; or
- (3) another period of time.

Three days allows great flexibility.

Consultation Question 7.

4.95 We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.

We think that inperson is better but with a short lead time ie 3 days. Interviews conducted remotely could compromise the officiant on the day if they meet the couple and suspect a sham marriage.

Consultation Question 8.

4.96 We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.

We think this isn't problematic.

Consultation Question 9.

4.97 We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm.

Do consultees agree?

We understand that this makes absolute practical sense and, in the whole, agree. A wedding planner would raise the point that in the event of it being a famous name(s) marrying, the press will have far easier access to seeing the details of their wedding than if they have to physically go into the office to view the notices. In other words, it makes a wedding that is being planned 'in secret' more challenging to plan.

Consultation Question 10.

4.98 We provisionally propose that the schedule should be valid for 12 months from the date of issue.

Do consultees agree? **Yes**

Consultation Question 11.

4.99 We provisionally propose that:

- (1) the schedule should identify the officiant who will officiate at the wedding; and
- (2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant.

Do consultees agree? **Yes**

Consultation Question 12.

4.100 We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay.

Do consultees agree? **Yes**

4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.

No agree in no circumstance other than death, illness or unavoidable delay

Consultation Question 13.

4.149 We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales.

Do consultees agree? **Yes**

Consultation Question 14.

4.150 We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed.

Do consultees agree? **Yes**

Consultation Question 15.

4.151 We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.

We don't think it is necessary for them to be published elsewhere ie the couple's church if they are not marrying there.

Consultation Question 16.

4.152 We invite consultees' views as to whether to authorise an Anglican wedding clergy

should:

- (1) have the power to call for documentary evidence and be required to check such evidence; and
- (2) be required to meet with each of the couple separately, before banns are published.

In much the way the registrar or officiant will have to, they should as well. They should be able to verify the documentation that proves the couple can marry.

Consultation Question 17.

4.153 We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage in order for a common licence to be granted to authorise an Anglican wedding.

Yes, both should.

Consultation Question 18.

4.173 We invite consultees' views as to whether:

- (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or
- (2) all weddings should be preceded by civil preliminaries.

WE think this all depends on work load. Could the civil offices cope with the extra load. It makes sense to have it all funnelled through one source but it may not be practical. If the preliminaries can be verified by the priest through this one source of information, then it probably makes sense to retain this system?

Consultation Question 19.

5.65 We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to:

- (1) ensure that the parties freely express consent to marry each other;
- (2) ensure that the other requirements of the ceremony are met; and
- (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed.

Do consultees agree? Yes

Consultation Question 20.

5.66 We provisionally propose that registration officers should only be able to officiate at civil weddings.

Do consultees agree? Yes

Consultation Question 21.

5.67 We provisionally propose that only one registration officer should need to officiate at a civil wedding.

Do consultees agree?

If the work load means that there is no extra person required to complete the documentation, then yes.

Consultation Question 22.

5.144 We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.

Do consultees agree? Yes

Consultation Question 23.

5.145 We provisionally propose that:

- (1) for religious organisations other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and
- (2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.

Do consultees agree? **Yes**

Consultation Question 24.

5.146 We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in *R (Hodkin) v Registrar General of Births, Deaths and Marriages*) as An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.

Do consultees agree? **Yes**

5.147 We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.

The more information available to couples, the easier it is for them to choose what they want for their ceremony. We think one database with all this information is best. One that lists the various organisations who are recognised as conducting marriage ceremonies as well as independents.

Consultation Question 25.

5.148 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:

- (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and
- (2) a wedding service or a sincerely held belief about marriage.

Do consultees agree? **Yes**

Consultation Question 26.

5.149 We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality. **Definitely**

Consultation Question 27.

5.150 We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.

We don't see an issue with this

Consultation Question 28.

5.151 We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.

Do consultees agree? **We do feel a definitive list is a good thing**

Consultation Question 29.

5.152 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants.

Do consultees agree? **Yes, definitely.**

Consultation Question 30.

5.187 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons. Do consultees agree?

Yes and there should be the facility to report concerns if anyone has one about someone who has officiated a ceremony

Consultation Question 31.

5.188 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they:

- (1) are aged at least 18;
- (2) understand the legal requirements for being an officiant and performing the role; and
- (3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.

Do consultees agree? **Yes**

Consultation Question 32.

5.189 We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs. Do consultees agree?

It should be fit within their religious ethics. A religious ceremony costs more than a civil one now so we assume they will still be the more expensive option if conducted in the place of worship as there are overheads. However currently, if a priest goes out to officiate, this is organised with an agreed donation to the church. It could still be the same arrangement but shouldn't be any more expensive.

Consultation Question 33.

5.190 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.

Do consultees agree?

Yes. IT will be their business and therefore they will set their fees.

Consultation Question 34.

5.191 We provisionally propose that, if Government enables independent celebrants

and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:

(1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or

(2) nominated by both a religious and a non-religious belief organisation.

Do consultees agree? **Yes**

Consultation Question 35.

5.200 We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.

Do consultees agree? **Yes**

Consultation Question 36.

5.201 We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.

Do consultees agree? **Yes**

Consultation Question 37.

5.212 We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them.

Do consultees agree? **Yes**

Consultation Question 38.

5.213 We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act.

Do consultees agree? **Yes**

Consultation Question 39.

5.214 We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers.

Do consultees agree? **Yes**

Consultation Question 40.

5.215 We provisionally propose that there should be no time limit on the authorisation of officiants.

Do consultees agree? **Yes but they need verifying as exercising good practice. Perhaps showing certification of training completed?**

Consultation Question 41.

5.216 We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development.

Do consultees agree? **As we are not sure what the professional development means ie proof of weddings they have officiated that year or attending a course/conference once a year, we can't give opinion on this.**

Consultation Question 42.

6.68 We provisionally propose that:

(1) during every wedding ceremony, the parties:

(a) should be required to express their consent to be married to each other, whether orally or otherwise, but

(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);

(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;

(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and

(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).

Do consultees agree? **Yes**

Consultation Question 43.

6.69 We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.

Do consultees agree? **Yes**

Consultation Question 44.

6.70 We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice).

Do consultees agree? **Yes**

Consultation Question 45.

6.109 We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

Do consultees agree? **Yes**

6.110 We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be. **Music and readings, perhaps a prayer.**

Consultation Question 46.

6.114 We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed.

Do consultees agree? **Yes**

Consultation Question 47.

6.136 We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.

Do consultees agree? **YES!!!**

Consultation Question 48.

7.158 We provisionally propose that all weddings should be legally permitted to take place anywhere.

Do consultees agree? **Yes**

7.159 We invite consultees' views as to whether the law should limit weddings in any particular venues, including:

- (1) outdoors,
- (2) on inland waters such as lakes or rivers,
- (3) in the air, and / or
- (4) in private homes.

As per our discussion, the choice to marry where you want is the ideal scenario with the officiant first having approved it to ensure that it is suitable and fitting.

Consultation Question 49.

7.160 We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.

Do consultees agree? **Yes**

Consultation Question 50.

7.161 We invite consultees' views as to whether the law should prohibit:

- (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues?
- (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?
- (3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues?

Do consultees agree? **It is unlikely couples will choose a religious premises to have a non-religious ceremony.**

Consultation Question 51.

7.190 We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.

Do consultees agree? **Yes**

Consultation Question 52.

7.191 We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:

- (1) safe, and
- (2) dignified.

Do consultees agree? **Yes**

7.192 We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.

Do consultees agree? **Yes**

Consultation Question 53.

7.199 We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.

7.200 If consultees agree that there should be such a pre-approval process:

(1) who should be responsible for it, **the officiant**

and

(2) how should it work? **There should be some sort of a health and safety report and risk assessment forwarded to the governing body overseeing this. The officiants will need to ensure they have insurance to cover this responsibility.**

Consultation Question 54.

8.29 We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:

(1) the date of the wedding;

(2) the location of the wedding; and

(3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".

Do consultees agree? **Yes**

Consultation Question 55.

8.30 We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.

Do consultees agree? **Yes**

Consultation Question 56.

8.31 We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.

Do consultees agree? **Yes**

Consultation Question 57.

10.128 We provisionally propose that any one of the following factors on its own should render a marriage void:

(1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;

(2) the wedding taking place after authority to marry had lapsed;

(3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or

(4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.

Do consultees agree? **Yes**

10.129 We provisionally propose that the following factors should not render a marriage void:

(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;

(2) the absence of witnesses; and

(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.

Do consultees agree? **Yes**

Consultation Question 58.

10.130 We provisionally propose that the following factors should result in a non-qualifying ceremony:

(1) both:

(a) failure of one or both parties to the marriage to give notice of the intended marriage, and (b) either: (i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or

(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or

(2) failure of one or both parties to express consent to the marriage.

Do consultees agree? **Yes**

Consultation Question 59.

10.131 We provisionally propose that a presumption in favour of the validity of a marriage should arise where:

(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or

(2) the couple have given notice and gone through a ceremony with a person acting as officiant, but should not require the couple to have cohabited for any period after its celebration.

Do consultees agree? **Yes**

10.132 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.

Do consultees agree? **Yes**

Consultation Question 60.

10.143 We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.

Do consultees agree? **Yes**

Consultation Question 61.

10.170 We provisionally propose that it should be an offence:

(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony;

or

(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.

Do consultees agree? **Yes**

Consultation Question 62.

11.17 We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound. **We are not familiar with any.**

Consultation Question 63.

11.26 We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.

Do consultees agree? **Yes**

Consultation Question 64.

11.35 We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers.

Do consultees agree? **Yes**

Consultation Question 65.

11.37 We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months.

Do consultees agree? **Yes**

Consultation Question 66.

11.44 We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months.

Do consultees agree? **Yes**

Consultation Question 67.

11.82 We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:

- (1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;
- (2) both stages of civil preliminaries to take place entirely remotely;
- (3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and
- (4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.

Do consultees agree? **Yes**

11.83 We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency.

Do consultees agree? **Yes**

11.84 We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.

Do consultees agree? **Yes**

Consultation Question 68.

11.145 We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales.

Do consultees agree? **Yes**

Consultation Question 69.

11.146 We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales.

Do consultees agree? **Yes**

Consultation Question 70. **N/A**

Consultation Question 71.

11.148 We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant.

Do consultees agree? **Yes**

Consultation Question 72.

11.149 We provisionally propose that weddings on ships in international waters should be officiated by:

- (1) deck officers who have been authorised by the Registrar General as maritime officiants; and
- (2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants.

Do consultees agree? **Yes**

11.150 We provisionally propose that maritime officiants should be subject to the same rules as we have provisionally proposed should apply to independent officiants.

Do consultees agree? **Yes**

11.151 We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant.

Do consultees agree? **Yes**

Consultation Question 73. **N/A**

Consultation Question 74.

11.153 We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible.

Do consultees agree? **Yes**

Consultation Question 75.

12.22 We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis.

Do consultees agree? **Yes**

Consultation Question 76.

12.23 We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be:

- (1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or

(2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.

The same amount as they are receiving the same, and perhaps expedited, service.

Consultation Question 77.

12.37 We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation.

Do consultees agree? **Yes**

Consultation Question 78.

12.43 We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis.

Do consultees agree? **Yes**

Consultation Question 79.

12.46 We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis.

Do consultees agree? **Yes**

Consultation Question 80.

12.55 We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales.

Do consultees agree? **Yes**

Consultation Question 81.

12.56 We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony.

Do consultees agree? **Yes**

Consultation Question 82.

12.61 We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the same fees as prescribed for the registration officer to officiate at any other wedding outside the register office.

Do consultees agree? **Yes**

Consultation Question 83.

12.62 We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill

(1) the fee should be set by regulation at a level below cost-recovery; or

(2) there should be no fee. **(1)**

Consultation Question 84.

12.69 We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application.

Do consultees agree? **Yes**

Consultation Question 85.

13.17 We invite consultees' views on:

- (1) whether the current law discourages or prevents couples from getting married; and
- (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married.

We think it doesn't discourage but couples have no choice but to marry legally and then have a celebrant led ceremony if they are wanting a non-religious, tailored ceremony. The fact these will now be a legal ceremony is a big advantage.

Consultation Question 86.

13.42 We invite consultees' views on the impact of the current law on couples including in relation to:

- (1) the availability and costs of register office weddings; **finding a date and time can be challenging**
- (2) the costs of marrying on approved premises; **Varies considerably but that is due to the nature of the venue and costs involved in opening the venue and staffing it**
- (3) the costs of marrying in registered places of worship; **much of a muchness and not unreasonable**
- (4) the costs of marrying in locations that are not authorised for weddings under the current law; and **Same as point 2**
- (5) the necessity and costs of a having a separate, legally recognised wedding. **It is an extra expense that can eliminate options for some couples on small budgets**

13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:

- (1) the availability of register office weddings and any savings in relation to them; **presumably some couples will opt now to marry elsewhere so this will lighten the load at some offices**
- (2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; And **Currently, those that choose these options do so because their budget accommodates it**
- (3) the necessity of a separate, legally recognised wedding and any consequent savings. **This is a saving**

Consultation Question 87.

13.61 We invite consultees' views on the impact of the current law on venues, including in relation to:

- (1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; **N/A**
- and
- (2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance. **Again, it can sometimes be a struggle to get the right date and time. The cost is never prohibitive.**

13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:

- (1) hosting weddings without requiring Government pre-approval; **see our cover letter**
- (2) the availability of registration officers for civil weddings; **There should be more available**
- (3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; **We see this as very advantageous**
- and
- (4) the business opportunities arising from an increase in the number of weddings in England and Wales. **We don't have supporting data, but we doubt the changes will increase the number of weddings that significantly, what it will mean is that couples can have the wedding that they want.**

Consultation Question 88. **N/A**

Consultation Question 89.

13.82 We invite consultees' views on the impact of the current law on:

- (1) residents of England and Wales travelling to other jurisdictions to get married;
- and
- (2) residents of overseas jurisdictions travelling to England and Wales to get married. **This will definitely make this easier for them and probably result in more choosing to marry here.**

13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:

- (1) residents of England and Wales travelling to other jurisdictions to get married;
- and
- (2) residents of overseas jurisdictions travelling to England and Wales to get married.

Consultation Question 90. **N/A**

Consultation Question 91. **N/A**

[REDACTED]

From: [REDACTED]
Sent: 02 December 2020 13:58
To: Weddings
Subject: FW: Proposals for change

Follow Up Flag: Follow up
Flag Status: Flagged

Subject: Proposals for change

Dear Law Commission

I have listened to your presentation and these are the thoughts which give me most concern.

I have been a registration officer for over 20 years and I feel very worried about couples giving part of their "Notice" on line. When we see couples in person we are looking and observing if this is a genuine marriage, we can tell by body language, answers to questions and generally the way in which they act. If we have doubts we report our suspicions to the home office for checks. Also documentation appertaining to the couple (for example birth certificates, passports, divorce papers etc.) could be false if it were shown on-line.


I agree that couples should have more choice in the wedding venue but if this is not governed by a licence fee, or something similar, then the safety of guests and the registrar/celebrant cannot be guaranteed, this includes fire regulations, accessibility to the venue and disability access including car parking, toilets and of course dignity. I do not feel this is right to give the responsibility of the safety for many people to the registrar/celebrant. The cost of a licence fee which lasts for three years is usually recouped in just one wedding from the majority of venues.

Alcohol is not permitted in a marriage room before a ceremony, how can this be implemented in someone's home? No registrar/celebrant would have the power to stop anyone from drinking in their own home. Also if only one registrar/celebrant attends there is a big risk to their safety. We always have two registrars at venues for this reason. It would be very frightening to attend someone's own premises and walk into a drunken party not to mention the possibility of drugs being consumed. There would be no way to keep solemnity in this situation.

I have conducted thousands of weddings over the last 20 years and I must say all my couples love the "tradition" of the marriage ceremony and the words which have been used for several generations, they find something very comforting in this, and they love the tradition of signing a register. Their marriage certificate is also handwritten which makes it very personal, it is handed to them at the end of the ceremony so if they are travelling abroad immediately they can take their certificate with them. If it is just another A4 piece of paper as their certificate it will lose the "magic", especially if it is their responsibility to send the schedule to the register office for completion.

I do hope you will reflect on my thoughts.

Kind regards
[REDACTED]



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Response to Law Commission Consultation on Getting Married

Introduction

1. The Law Commission's proposals to simplify weddings law are welcome, sound and will make a hugely positive difference to the lives of millions of Britons. The spirit of simplicity and maximum liberalisation can be seen throughout. Several important issues were placed beyond its scope (and are being considered separately by the government): reform of the prohibited degrees to tackle cousin marriage; resetting marriageable age at 18 without exception to tackle child marriage; and introducing criminal penalties for those who fail to civilly register religious marriages. While it makes sense to raise and consolidate these matters into any new Marriage Act, this submission will confine itself to issues that fall within the remit of the consultation. These are few and as follows.

Location

2. The proposals drastically reduce the red tape around wedding venues. They may not go far enough. This is because the concept of venue pre-approval is retained in shrunken form via the need for the officiant to consider whether the venue is safe and dignified [para. 7.5]. The need for the officiant to ascertain whether the venue is dignified seems redundant given that people have been married in ASDAs and zoos in the recent past under existing regulations. Likewise, the issue of the venue's safety can be left to rest on contract and occupier's liability in tort. Rather than making officiants assess the venues (or pre-approved lists of them) and incur additional expenses, it would more efficient to simply let the couple agree with the officiant on the location and have no additional assessment requirements or guidance whatever. Plain old common sense, word of mouth and online reviews can do the rest.

Registration

3. Under the new proposals [paras. 8.14-8.18] 'the couple would be legally responsible to return the signed schedule to the registration service'. Some religious organisations have requested that they be solely responsible for this. What matters above all is that the marriage ends up being registered, by whom is of secondary importance. A better solution would be to make the officiant and the couple jointly responsible so that the scope for neglect or deception by any one of them is minimised. This would ensure that the pressures to fulfil the duty are mutually reinforcing: the parties can hold the officiant to account if he promises and fails to register their marriage, and the officiant (especially a respected religious leader) can lean on the couple to do it themselves or delegate the task to him or her. The point is to ensure that someone does it properly so that the couple are shielded from the consequences of failure.

Officiants

4. Some kind of prescribed training leading to certification for officiants is undoubtedly necessary. There is a risk, however, that if the training is elaborate a parasitical industry (private or bureaucratic) will grow up around it. This will present a particular hurdle for independent officiants who may not have prior experience or the institutional support of a religious organisation [para. 3.51]. If they have to attend time-consuming courses and/or travel to specific facilities, this requirement risks becoming unduly lengthy, expensive and off-putting for officiant and couple alike. Given the straightforwardness of the officiant's duties, the basic training should be little more than an online questionnaire test applicable to every type of officiant for record-keeping purposes. Religious groups can then design and run their own training programmes to meet their own specific requirements if they wish. The point is to ensure that every officiant knows what the law requires of them and that they appear in state records.

Offences

5. The suggested criminal offence in para. 10.170 is necessary and well defined. However, it does not go far enough to protect parties from ignorance or deception given the seriousness of the consequences resulting from a defective marriage. The remedy is relatively straightforward. If the couple desire a non-qualifying ceremony/religious-only marriage, the law should make sure they know full well what they are getting into and the consequences that flow from it. This can be achieved by adapting the pre-nuptial recognition requirements set out in *Radmacher (formerly Granatino) (Respondent) v Granatino (Appellant)* [2010] UKSC 42 into a tortious duty of care. Thus, discharge his/her duty of care and proceed with a non-qualifying ceremony, the celebrant must be satisfied that:

(i) the parties are entering this form of relationship voluntarily, without undue pressure and be informed of its implications;

(ii) both parties have actually taken independent legal advice from a qualified English lawyer.

6. Should the celebrant fail to discharge this duty, and/or lack the proof that they have done so, he or she would incur the following liabilities. First, a new statutory tort of negligently conducting a non-qualifying ceremony should be created, punishable with a heavy fixed fine. Second, the celebrant would also be made liable for both parties' costs in the event of any post-relationship-breakdown legal advice and litigation. Third, the celebrant would be made liable for the amount the claimant would likely have received had the marriage been subject to divorce or a decree of nullity. These intimidating consequences will serve as a deterrent against malpractice and bring even more ceremonies within the law. They will also ensure that parties opting out of the law are fully and provably aware of their situation.

7. The proposals suggest that bigamy is less common and 'much less of an issue' than it was in the past [para. 4.76]. This may be true of the offence as it stands, but the wrong it seeks to counter is enjoying something of a resurgence in the form of de facto polygamy. Polygamous (usually polygynous) relationships are sometimes portrayed simply as matters of individual choice [para. 10.90]. While the parties may well be fully informed and consent to such a union, there is so much more at stake than this. Polygamy is an emergent threat to society.¹ This does not mean that the parties to or any particular union of this kind are dangerous or wicked. What it means is that when this practice becomes widespread in a population it generates problems that are not visible on an individual scale. The Office for National Statistics has confirmed that there are no estimates for the number of polygamous marriages subsisting in England Wales.² The true scale of the practice remains unknown but it is understood to be 'enormous'³ and 'rife' in Muslim communities,⁴ with one dated guess suggesting that there are up to 20,000 de facto polygamous (presumably polygynous) marriages in Britain.⁵ Dame Louise Casey identified polygamy as being of particular concern to the government as 'the existence of matchmaking sites like "secondwife.com" and a number of accusations, anecdotes and assertions encountered throughout our engagement imply a common acceptance of polygamy – which impact negatively on women (and their children) who have not had a legal marriage'.⁶ In Shia communities, the related practice of temporary and transactional 'pleasure marriages' (known as *mut'a* or *sigheh*, they are often overseen by clerics) is controversial but not uncommon, with one enthusiast stating that 'I really like temporary marriage and I want to have lots of wives.'⁷ This form of informal religious marriage is associated with deception, manipulation and the sexual exploitation of women, with a recent BBC documentary linking it to a booming sex trade in young Iraqi girls.⁸

8. Such practices are not a problem merely because they offend liberal and feminist principles.⁹ Political objections aside, polygamy is known to have negative consequences both for the family and wider society. Systematic literature reviews have found that polygamy was associated with 'more mental health problems, social problems and lower academic achievement for children and adolescents' as well as 'marital conflict, marital distress, father

¹ See John H. Holland, *Complexity* (Oxford, 2014).

² Catherine Fairbairn, Hannah Wilkins, Steven Kennedy, Djuna Thurley, House of Commons Library Briefing Paper on Polygamy, Number 05051, 20 November 2018, p. 19.

³ J Bingham, 'Mass polygamy in UK Muslim community – claim' (UK: The Telegraph, 10 December 2014) at <http://www.telegraph.co.uk/news/religion/11284421/Mass-polygamy-in-UK-Muslim-community-claim.html>.

⁴ Linda Serck, 'Polygamy in Islam: The women victims of multiple marriage', BBC News, 31st May 2012 at <https://www.bbc.co.uk/news/uk-england-berkshire-18252958>.

⁵ Channel 4, 'The Men with Many Wives' (UK: Channel 4, 2014) at <http://www.channel4.com/programmes/the-men-with-many-wives/episode-guide/>.

⁶ *The Casey Review: a review into opportunity and integration*, (5th December 2016) at para 8.45.

⁷ Innes Bowen, *Medina in Birmingham, Najaf in Brent: Inside British Islam* (Hurst, 2014), pp. 136-137.

⁸ See Nawal Al-Maghaf, 'In Iraq, religious "pleasure marriages" are a front for child prostitution', The Guardian, 6th October 2019 at <https://www.theguardian.com/world/2019/oct/06/pleasure-marriages-iraq-baghdad-bbc-investigation-child-prostitution>.

⁹ Thom Brooks, 'The problem with polygamy' (2009) 37 (2) *Philosophical Topics* 109-12; M Francois-Cerrah, 'Sharia marriage in the UK is not toxic - polygamous men are' (UK: The Telegraph, 3 July 2015) at <http://www.telegraph.co.uk/women/womens-life/11715461/Muslim-Sharia-marriage-in-the-UK-is-not-toxic-polygamous-men-are.html>.

absence and financial stress'.¹⁰ More broadly, polygamy is linked to severe educational, economic and gender inequality;¹¹ domestic violence and FGM;¹² violent intra-sex competition over sparse marriage partners;¹³ and ultimately state fragility, organised group violence, social unrest and civil war.¹⁴ In short, 'institutionalized monogamous marriage provides greater net benefits for society at large by reducing social problems that are inherent in polygynous societies'.¹⁵ The solution is again relatively straightforward: ensuring that most Muslim marriages are legally recognised and expanding the offence of bigamy to catch both formal and informal polygamous marriages as well those who conduct them.¹⁶ There is clear precedent for something like this in the context of forced marriage: s121(4) Antisocial Behaviour, Crime and Policing Act 2014 applies to any 'religious or civil ceremony of marriage (whether or not legally binding)'.

Dr Patrick Nash

The Woolf Institute & St Edmund's College, Cambridge

1st December 2020

¹⁰ (i) Mohammad Al-Sharfi, Karen Pfeffer & Kirsty A. Miller, 'The effects of polygamy on children and adolescents: a systematic review', *Journal of Family Studies*, (2016) 22:3, 272-286.

(ii) Salman Elbedour, Anthony J. Onwuegbuzie, Corin Caridine, and Hasan Abu-Saad, 'The Effect of Polygamous Marital Structure on Behavioural, Emotional, and Academic Adjustment in Children: A Comprehensive Review of the Literature', *Clinical Child and Family Psychology Review*, Vol. 5, No. 4, December 2002.

¹¹ Aslihan Okan İbiloğlu et al, 'Negative effects of polygamy on family members in the province of Diyarbakir, Turkey', *Cukurova Med J* 2018; 43(4):982-988; Natali Esposito, 'The Negative Impact of Polygamy on Women and Children in Mormon and Islamic Cultures' (2017).

¹² Naomi Riley, 'The Problems with Polygamy', *Institute for Family Studies*, 8th July 2015 at <https://ifstudies.org/blog/the-problems-with-polygamy>.

¹³ Carlo Koos and Clara Neupert-Wentz, 'Polygynous Neighbours, Excess Men, and Intergroup Conflict in Rural Africa' *Journal of Conflict Resolution*, Vol 64, Issue 2-3, 2020 pp. 402-431; University of British Columbia, 'Monogamy reduces major social problems of polygamist cultures', *ScienceDaily*, 24 January 2012 at <https://www.sciencedaily.com/releases/2012/01/120124093142.htm>.

¹⁴ The Economist, 'The link between polygamy and war', 19th December 2017, at <https://www.economist.com/christmas-specials/2017/12/19/the-link-between-polygamy-and-war>

¹⁵ See Cody T. Ross et al, 'Greater wealth inequality, less polygyny: rethinking the polygyny threshold model', *Journal of the Royal Society*, (2018) Vol 115(144), at

<https://royalsocietypublishing.org/doi/full/10.1098/rsif.2018.0035>; Conor Friedersdorf, 'The Case Against Encouraging Polygamy', *The Atlantic*, 9th July 2015 at

<https://www.theatlantic.com/politics/archive/2015/07/case-against-polygamy/397823/>;

Jonathan Rauch, 'No, Polygamy Isn't the Next Gay Marriage', *Politico*, (2015) at <https://www.politico.com/magazine/story/2015/06/polygamy-not-next-gay-marriage-119614/#ixzz3fATKKAqZ>.

¹⁶ Patrick Nash, 'The Case for Minimalistic Marriage Laws' in R C Akhtar, P Nash and R Probert (eds), *Cohabitation and Religious Marriages: Status, Similarities and Solutions* (Bristol, 2020), p. 151.

Response to Law Commission Wedding Law consultation

(please note these are comments from Welsh Government officials and the National Adviser for Violence against Women, Gender-based Violence, Domestic Abuse and Sexual Violence)

Incidence of forced marriage weddings in the UK – background

Excerpt from Law Commission's consultation document:

It is impossible to ascertain how many marriages entered into in England and Wales are forced. However, it is worth noting that only a very small proportion of the cases dealt with by the **Forced Marriage Unit** involve weddings taking place in the United Kingdom. In 2018 the Unit gave advice or support in 1,507 cases, of which only 102 (under 7%) involved an actual or potential forced marriage taking place in the United Kingdom. Any given registration district may only be dealing with one or two cases of forced marriage each year. We say this not to minimise the difficult issues that such cases raise, but rather to help assess the feasibility of registration officers taking action in the period between the interview and the authority to marry being issued. If there are only a few cases then it is more feasible for these to be dealt with swiftly without adding unduly to the workload of registration officers.

Notices published on-line

Excerpt from Law Commission's consultation document:

Our provisional proposal that notices of marriage should be published online is intended to make it easier to discover who is planning to marry, and thereby ensure that those who might know of some reason why the wedding should not go ahead have a realistic opportunity to object. We think that this will offer greater protection to those who are at risk of forced marriages, as well as preventing weddings from taking place where the couple are prohibited from marrying each other

The idea of notices being published online was also one that was suggested by a number of stakeholders. In particular, the **Forced Marriage Unit** suggested that an online database would be useful in helping to prevent forced marriages. Having an online database of notices would increase the possibility of a concerned friend or relative being able to check whether notice had been given and to take appropriate action. At present 19% of calls to the **Forced Marriage Unit** come from colleagues, family or friends of the victim. The existence of an online database might also reduce the risk of the person being forced into the marriage being blamed for alerting outsiders: it is more plausible that a person will have found details online than that they happened to spot the notice at the register office.

Giving notice online could also reduce the time that registration officers spend on purely clerical work. The National Panel for Registration was enthusiastic about the idea of initial notice being given online as it thought that this would have the potential

to reduce the workload involved in administrative tasks. Rather than taking down the details of each couple and entering them into the existing online database at the meeting, registration officers could focus on those who need more help and support and on carrying out checks in relation to the relatively small number of cases that might raise concerns. Having information about the couple in advance of the in-person interview would also enable registration officers to use such interviews to best effect. **The Forced Marriage Unit** thought that this would be useful in helping to address forced marriages.

Welsh Government officials' comments:

There are clear benefits in publishing notices on-line, although it is unlikely to have a significant impact on reducing forced marriage in the UK, unless concerned others know a forced marriage may be about to take place, know where to look for the on-line notice and feel sufficiently assured that their objections are not shared with others.

Have the potential disadvantages also been considered? Rather than preventing forced marriages, on-line publication of notices makes it easier for relatives who disapprove of a marriage preventing it from happening, and may put either or both parties to the proposed marriage at risk of honour-based violence.

Training for registrars

National Adviser comments:

Do registrars have a plan of action? Consistent training needs to be provided in the differences between forced marriage and arranged marriage and into all aspects of forced marriage.

Translation and interpretation services :

National Adviser comments:

Important to take independent translation and interpretation into account. It is vital to have independent services to prevent any coercion or misrepresentation in cases where forced marriage victims are chaperoned or controlled by their perpetrators. The costs need to be factored in to the service provided by the registry office.

Residency requirement

Excerpt from Law Commission's consultation document:

None of our stakeholders identified any useful purpose that is served by the residency requirement today. The National Panel for Registration thought that the requirement was unnecessary, as did participants at the 2019 Local Registration Services Year Ahead Conference. **The Forced Marriage Unit** confirmed that removing the requirement would have no negative impact in relation to forced marriage and the Home Office confirmed the same in relation to sham marriage.

Welsh Government officials' comments:

No specific feedback

Interview with registrar

Excerpt from Law Commission's consultation document:

The **Forced Marriage Unit** emphasised the importance of such interviews as a preventative measure against forced marriages. The face-to-face meeting is also an important part of the process of checking the identity and capacity of the persons who are planning to marry. The **Forced Marriage Unit** expressed concerns about the risk of an interviewee being subject to coercion and said they could not envisage any technology that would be as good as an in-person interview

Welsh Government officials' comments:

The courts have protocols in place for witnesses giving evidence remotely to reduce any risk of witness tampering. There may be lessons to be learned from that approach and an opportunity for an authorised third party to host an on-line interview that provides sufficient assurances.

Number of days for authority for the wedding

Excerpt from Law Commission's consultation document:

The in-person meeting, would be required to take place before the registration service could authorise the wedding to take place. We have asked whether the meeting should be required to be three, seven, or another number of days in advance of authority being given. This meeting would give the registration officer an opportunity to check that the original documents matched the copies given in the notice application, ensuring that the person giving notice was the same person identified in the application. By ensuring that each party was seen alone, it would also be an opportunity for the registration officer to offer support (or for the local authority to apply for a forced marriage protection order) if there were concerns that one of the parties was being forced into the marriage. .

The problem is that most cases of forced marriage are not straightforward. Individuals who are being forced into a marriage are likely to fear what will happen to them if they are seen to refuse to consent to the marriage. The **Forced Marriage Unit** told us that the individual being coerced may be living with the person who is coercing them, and be at risk of further abuse. Registration officers are advised to look out for various signs that a person may be under duress, but where an individual denies that they are being forced into a marriage, all that can be done is to make them aware of the support available. In those cases, even 28 days may not be long enough to take any effective action.

Welsh Government officials' comments:

There should be a range of days up to 28 days depending on the information gained by the registration service at the in-person meeting. This will provide registration officers to react to marriage protection orders being put in place if required.

Venues for weddings

Excerpt from Law Commission's consultation document:

We do not think that concerns about forced and sham marriages require weddings to be held in public places. First, we question whether a private venue increases the risk of a forced marriage: a person may feel more pressured into going through with a wedding if it takes place in public with many people attending. More significantly, we believe that the scheme for preliminaries that we have provisionally proposed will facilitate the identification of forced and sham marriages by officials. Enforcement against forced or sham marriages does not take place on the day of the wedding. Home Office policy is not to act on concerns about a sham marriage by preventing the wedding taking place on the day; rather, the focus is on preventing a person from getting an immigration advantage from the marriage, that is, from gaining a legal right to remain in the United Kingdom based on the marriage. Forced marriages involving persons with capacity to marry are also not generally prevented by enforcement action on the day; rather support is provided to the person suspected of being forced, prior to the wedding taking place.

Welsh Government officials' comments:

No specific feedback

Witnesses

Excerpt from Law Commission's consultation document:

Witnesses clearly play an important role in ensuring that a wedding is a public affair and potentially acting as a safeguard against forced marriages. Our provisional proposal that the officiant should have a duty to ensure that any requirements of the ceremony are met means that they would be expected to ensure that the wedding takes place in the presence of two witnesses who then sign the schedule. It would be a breach of that duty for the officiant to proceed in the absence of witnesses.

Welsh Government officials' comments:

No specific feedback

Declaring the marriage void

Excerpt from Law Commission's consultation document:

The time-limit proposed by the Law Commission in 1970 reflected the concerns of the time. Cases involving forced marriages tended to involve threats that were either removed by the marriage or specific to the ceremony. More recent case law demonstrates that in many cases the pressure that forces someone to go through a ceremony does not simply disappear. Those who have reluctantly agreed to go through a ceremony on the basis that to do otherwise would bring dishonour to their family may well be subject to similar pressure to remain within the marriage, however unwanted. In some cases the person who has been forced into the marriage may have been physically confined with no realistic prospect of bringing proceedings for nullity. The idea that three years "is more than sufficient" for an individual to decide

whether to remain in a marriage that they entered into as a result of coercion is therefore now at odds with modern understandings of forced marriage.

Welsh Government officials' comments:

No specific feedback

From: [REDACTED]
Sent: 05 December 2020 11:50
To: Weddings
Subject: add to marriage law by mandating routine enquiry about domestic abuse

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women have to be asked if they are experiencing violence and abuse five times before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Thanks & Regards



[REDACTED]

From: [REDACTED]
Sent: 05 December 2020 12:10
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Follow Up Flag: Follow up
Flag Status: Completed

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives (*ONS Domestic Abuse Statistics, 2018*). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women **have to be asked if they are experiencing violence and abuse five times** before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

I therefore request that the Law Commission in its review of the Marriage Act 1949 introduces a change to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 December 2020 15:50
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women have to be asked if they are experiencing violence and abuse five times before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

[REDACTED]

From: [REDACTED]
Sent: 06 December 2020 07:48
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women [have to be asked if they are experiencing violence and abuse five times](#) before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Kind regards

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 06 December 2020 18:42
To: Weddings
Cc: [REDACTED]
Subject: Mandate routine enquiry about domestic abuse during wedding registration

Hello,

I'm emailing to ask that while you are reviewing wedding legislation please take this opportunity to improve safeguards in place to support women suffering domestic abuse.

I ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives (ONS Domestic abuse statistics, 2018). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Studies suggest that on average **women have to be asked if they are experiencing violence and abuse five times before they seek help.**

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. **The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.**

There are several advantages to asking the question at the preliminary interview:

- It sends a clear message that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

What should happen:

Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

I therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Thank you,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 06 December 2020 19:13
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Mandate routine enquiry about domestic abuse at wedding registration

To the Law Commission

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives (ONS Domestic Abuse Statistics, 2018). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

*Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women **have to be asked if they are experiencing violence and abuse five times** before they seek help.*

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 06 December 2020 19:28
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

To whom it may concern

As a member of the Women's Equality Party I am writing to support the campaign around domestic abuse.

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women have to be asked if they are experiencing violence and abuse five times before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Yours sincerely

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Mandate routine enquiry about domestic abuse at wedding registration
Date: 07 December 2020 16:05:14

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women [have to be asked if they are experiencing violence and abuse five times](#) before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Thank you,

[REDACTED]

--

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Weddings Consultation.
Date: 07 December 2020 16:09:10

Hello,

The Weddings Consultation offers an excellent opportunity to consider including a question about domestic abuse in the preliminary 1–1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. The victims, both partners and their children who witness the abuse, often suffer long-term trauma and reduced life chances.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is therefore an ideal time to ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

1. The formal setting creates an atmosphere of solemnity which allows for reflection.
2. Other personal questions are being asked, so the question is not out of place.
3. There are already mechanisms and training in place for the person asking the question to be able to offer help if domestic abuse is disclosed.

4. Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry and [has proved effective in maternity units](#).

However, [it takes five times, on average, for an abused partner](#) to seek help before getting an effective response. Asking about domestic violence at the registry office will be a state mandated first response. This will increase the confidence of women to report in the future.

Routine enquiry is a public health response to domestic abuse. Every woman who goes through the registration process will be asked, whether or not she is experiencing domestic abuse. It is therefore educational as well as preventative. Early intervention on domestic violence has been shown to be effective and to save the state substantial amounts of money.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. The support of the state will send a message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to include a question about domestic abuse in the registration process for marriages and civil partnerships.



From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Mandate routine enquiry about domestic abuse at wedding registration
Date: 07 December 2020 16:12:28

Dear law commission,

Reviewing weddings legislation offers an excellent opportunity to send a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women [have to be asked if they are experiencing violence and abuse five times](#) before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Yours sincerely,

[REDACTED]

From: [REDACTED]
Sent: 07 December 2020 16:33
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Dear Law Commission,

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women [have to be asked if they are experiencing violence and abuse five times](#) before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.


Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Many thanks,

[Redacted signature]

From: 
To: [Weddings](#)
Subject: Mandate routine enquiry about domestic abuse at wedding registration
Date: 07 December 2020 20:05:08

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

*Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women **have to be asked if they are experiencing violence and abuse five times** before they seek help.*

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

From: [REDACTED]
To: [Weddings](#)
Subject: Domestic abuse question before marriage
Date: 08 December 2020 09:49:51

Dear Madam/Sir

I would ask you to seek to change the Marriage Act so that all prospective spouses are asked a question about suffering domestic abuse before they commit to marriage.

It is an ideal time at wedding registration when there is an opportunity already there for separate questioning. It is very important as domestic abuse is so wide spread.

I am sure you will receive a lot of requests on this area and would ask you to respond positively.

Kind regards

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Mandate routine enquiry about domestic abuse at wedding registration
Date: 08 December 2020 21:40:32

To whom it may concern,

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

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Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women **have to be asked if they are experiencing violence and abuse five times** before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

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Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early

intervention on domestic violence has been shown to be effective and to save lives.

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We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

[REDACTED]

[REDACTED]

Weddings Team
Law Commission
1st Floor
22 Queen Anne's Gate
London
SW1H 9AG

By email weddings@lawcommission.gov.uk

Dear Friends

I appreciated being invited to a meeting in October 2019 with the Law Commission Weddings Team to discuss Quakers and marriage law.

I enclose the formal response of Religious Society of Friends (Quakers) in Britain to your published consultation. [REDACTED]

There are many proposals in the consultation that will not affect the ability of Quakers to continue to hold weddings and to sign the civil paperwork so that the marriages are properly registered. This response only addresses the consultation questions that might have an impact on Quakers and our marriages.

Thank you for taking the time to consider our response. If you have any queries about it, please contact my colleague [REDACTED]

In Friendship

[REDACTED]

Religious Society of Friends (Quakers) in Britain response

	Consultation Question	Quaker response
3	Consultation Question 3. 14.3 We invite consultees to share with us their experience with weddings during the COVID-19 pandemic. Paragraph 1.65	Because many of our Quaker registering officers are in groups needing to shield or advised to limit their activities, this has meant that holding Quaker weddings (when and where permitted) has been more complex in order to comply with the public health regulations and legislation.
11	Consultation Question 11. 14.11 We provisionally propose that: (1) the schedule should identify the officiant who will officiate at the wedding; and (2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree? Paragraph 4.99 398	Yes – although specifying the type of officiant might be sufficient (e.g. any officiant appointed by Society of Friends/Quakers)
12	Consultation Question 12. 14.12 We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay. Do consultees agree? 14.13 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances. Paragraph 4.100	Yes. Yes – for couples getting married in a faith or belief setting, then it should be an internal matter for the faith or belief group to decide who should be the officiant on the day, although the couple may wish to influence the choice of officiant.
19	Consultation Question 19. 14.20 We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to: (1) ensure that the parties freely express consent to marry each other; (2) ensure that the other requirements of the ceremony are met; and (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed. Do consultees agree? Paragraph 5.65	Yes. This will be a change for Quakers from the current law, but one with which we are content.
20	Consultation Question 20. 14.21 We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree? Paragraph 5.66	Yes – we would not want a registration officer officiating at a Quaker wedding.

	Consultation Question	Quaker response
23	<p>Consultation Question 23. 14.24 We provisionally propose that: (1) for religious organisations¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and (2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings. Do consultees agree? Paragraph 5.145</p>	Yes, this would work for Quakers
24	<p>Consultation Question 24. 14.25 We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in R (Hodkin) v Registrar General of Births, Deaths and Marriages²) as An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system. Do consultees agree?</p> <p>14.26 We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed. Paragraph 5.146</p>	Quakers have no problem with non-religious belief organisations being enabled to officiate at weddings.
25	<p>Consultation Question 25. 14.27 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has: (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and (2) a wedding service or a sincerely held belief about marriage. Do consultees agree? Paragraph 5.148</p>	Yes, provided that this does not mean 20 members in every place of worship – so in the case of Quakers this is taken at a national – English and Welsh level.

	Consultation Question	Quaker response
26	<p>Consultation Question 26. 14.28 We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality. Paragraph 5.149</p>	<p>The current definition of purposes that are unlawful or contrary to public policy or morality is cast very broadly, it is not clear how this would be interpreted or by whom. We are concerned that this might constrain freedom of religion if belief organisations are subjected to moral judgements made elsewhere.</p> <p>For example, there are churches which have been defying the law by holding services during the covid lockdown see this news story: 'Let us disobey': Churches defy lockdown with secret meetings Coronavirus The Guardian</p> <p>Another example would be where a church or faith group has a narrower understanding of equalities than the equalities legislation covers, which might be seen by many as contrary to public policy or morality.</p> <p>Neither of these examples would prevent a church or faith group from being competent to hold weddings.</p> <p>A final Quaker experience is that in 1917, senior Quaker post-holders were jailed for defying the government regulations requiring the submission to the censor of all leaflets dealing with the war and the making of peace by publishing peace pamphlets during the First World War without first submitting them to the censor.</p> <p>There was no suggestion that our ability to register marriages would be questioned because of this action.</p> <p>These proposals appear to go far beyond what is required to ensure that religious (and non-religious belief) organisations are capable and competent to hold weddings.</p>
27	<p>Consultation Question 27. 14.29 We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals. Paragraph 5.150 403</p>	<p>Yes, this would work well for Quakers.</p>

	Consultation Question	Quaker response
28	Consultation Question 28. 14.30 We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants. Do consultees agree? Paragraph 5.151	Yes, but consideration might need to be given to appropriate data protection for protected characteristics (such as religion!)
30	Consultation Question 30. 14.32 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are "fit and proper" persons. Do consultees agree?	Yes.
31	Consultation Question 31. 14.33 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are "fit and proper" persons by proving that they: (1) are aged at least 18; (2) understand the legal requirements for being an officiant and performing the role; and (3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General. Do consultees agree? Paragraph 5.188	Yes, but religious and belief groups should be provided with material so that they can train within their own group if they so wish.
34	Consultation Question 34. 14.36 We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be: (1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or (2) nominated by both a religious and a non-religious belief organisation. Do consultees agree? Paragraph 5.191	Yes.
36	Consultation Question 36. 14.38 We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted. Do consultees agree? Paragraph 5.201	Yes, as long as it is general advice and does not go into the minutiae.

	Consultation Question	Quaker response
37	Consultation Question 37. 14.39 We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree? Paragraph 5.212 406	Yes, this would work for Quakers.
38	Consultation Question 38. 14.40 We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree? Paragraph 5.213	Yes
40	Consultation Question 40. 14.42 We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree? Paragraph 5.215	Yes, this would work for Quakers.

	Consultation Question	Quaker response
42	<p>Consultation Question 42. 14.44 We provisionally propose that: (1) during every wedding ceremony, the parties: (a) should be required to express their consent to be married to each other, whether orally or otherwise, but (b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries); (2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs; (3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and (4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document). Do consultees agree? Paragraph 6.68</p>	<p>Yes, this would work for Quakers as we have a marriage procedure that covers 1a. We could under (2) submit documents that explain how each party expresses their consent.</p>
43	<p>Consultation Question 43. 14.45 We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant. Do consultees agree? Paragraph 6.69 408</p>	<p>Yes, this works for Quakers</p>

	Consultation Question	Quaker response
44	Consultation Question 44. 14.46 We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice). Do consultees agree? Paragraph 6.70	Yes, this works for Quakers, and as non-members would no longer need to submit a certificate when giving notice permitting them to have a Quaker wedding, this would simplify the process.
46	Consultation Question 46. 14.49 We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed. Do consultees agree? Paragraph 6.114 409	No. Currently this would be a problem. At present where a couple wish to have a Quaker wedding to mark the conversion of their civil partnership into a marriage, a registrar can come to the Quaker Meeting House and complete the paperwork just before the Quaker wedding takes place. This results in the place of the wedding being recorded on the marriage certificate as the Quaker Meeting House. If under the schedule system Quakers could convert a civil partnership into a marriage, rather than having a member of registration service staff coming into the Meeting House, then the proposal would be fine.
48	Consultation Question 48. 14.51 We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree? 14.52 We invite consultees' views as to whether the law should limit weddings in any particular venues, including: (1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes. Paragraph 7.158	Yes, the ability to hold weddings anywhere would suit Quakers.

	Consultation Question	Quaker response
50	Consultation Question 50. 14.54 We invite consultees' views as to whether the law should prohibit: (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief venues? (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues? (3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues? Paragraph 7.16	We would have no problem in permitting other organisations holding weddings in Quaker venues, it would be a matter for those who let out our Quaker Meeting Houses to decide if they wished to do so. It would comply with the proposal made at the beginning of consultation Question 48 "We provisionally propose that all weddings should be legally permitted to take place anywhere."
51	Consultation Question 51. 14.55 We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved. Do consultees agree? Paragraph 7.190	Yes, this would work for Quakers.
52	Consultation Question 52. 14.56 We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is: (1) safe, and (2) dignified. Do consultees agree? 14.57 We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding. Do consultees agree? Paragraph 7.191 411	Yes, this would work for Quakers. But it might be better if the nominating body could issue guidelines for their religious or belief group.
54	Consultation Question 54. 14.60 We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it: (1) the date of the wedding; (2) the location of the wedding; and (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent". Do consultees agree? Paragraph 8.29	Yes, this seems useful. It is information that we already collect for Quaker marriages.

	Consultation Question	Quaker response
55	Consultation Question 55. 14.61 We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh. Do consultees agree? Paragraph 8.30 412	No formal comment? Yes..
56	Consultation Question 56. 14.62 We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security. Do consultees agree? Paragraph 8.31	Yes.
62	Consultation Question 62. 14.70 We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound. Paragraph 11.17	We see no problems. Quakers have no recent experience of holding a wedding in a prison. But we have successfully held marriages in hospitals where one party is terminally ill.
63	Consultation Question 63. 14.71 We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued. Do consultees agree? Paragraph 11.26	Yes, notices should be given, and a member of the registration service should be involved in receiving notice and issuing the schedule.
64	Consultation Question 64. 14.72 We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers. Do consultees agree? Paragraph 11.35 416	Yes, as long as the local registration services were uniform in how they assessed when to issue a schedule immediately. Then who and how the equivalent of a Registrar General's licence is issued is an administrative matter and not one on which Quakers have a formal opinion.

	Consultation Question	Quaker response
67	<p>Consultation Question 67. 14.75 We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit: (1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency; (2) both stages of civil preliminaries to take place entirely remotely; (3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and (4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule. Do consultees agree?</p> <p>14.76 We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency. Do consultees agree?</p> <p>14.77 We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover. Do consultees agree? Paragraph 11.82</p>	<p>We have no problem with the suggestions in 1 and 2. In 3 and 4, we question how the officiant could be certain that the two parties give consent freely to marry, and how the officiant could be sure that both of the parties were in a location that is subject to a English and Welsh marriage law.</p> <p>Yes, this would not be a problem for Quakers.</p>
68	<p>Consultation Question 68. 14.78 We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree? Paragraph 11.145 418</p>	<p>Yes, we would have no problem if Quaker weddings were able to be held in these locations.</p>
73	<p>Consultation Question 73. 14.85 We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters. Paragraph 11.152</p>	<p>We are not currently aware of a desire for Quaker weddings to be held in international waters under English & Welsh law.</p>

	Consultation Question	Quaker response
75	Consultation Question 75. 14.87 We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree? Paragraph 12.22	No, this seems to discriminate against those who are housebound. For those in detention settings with limited access to money, we believe this could prevent them from giving notice for financial reasons.
76	Consultation Question 76. 14.88 We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be: (1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or (2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level. Paragraph 12.23	We believe compassion might indicate that those who are terminally ill or otherwise housebound should not be financially penalised because they are unable to travel to give notice.
79	Consultation Question 79. 14.91 We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree? Paragraph 12.46	Is it clear that officiants can give consent for the place of a wedding, even if the location has not received pre-approval?
82	Consultation Question 82. 14.94 We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the same fees as prescribed for the registration officer to officiate at any other wedding outside the register office. Do consultees agree? Paragraph 12.61	This seems to discriminate against those who are housebound. For those in detention settings with limited access to money, this could prevent them from marrying for financial reasons.
83	Consultation Question 83. 14.95 We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee. Paragraph 12.62	We believe compassion might indicate that those who are terminally ill or otherwise housebound should not be financially penalised because they are unable to travel to get married.

	Consultation Question	Quaker response
84	Consultation Question 84. 14.96 We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree? Paragraph 12.69 423	Currently Quakers inform the GRO of new registering officers (officiants), and their names are added without charge. Under the new scheme it is not clear how a nomination of a new officiant will be assessed and processed. Any charge will be a change for Quakers.
85	Consultation Question 85. 14.97 We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits. Paragraph 13.17 424	The current law discourages people from getting married when their gender identity differs from that noted on official paperwork. Insisting that the terms husband and wife match the gender given on official paperwork can make getting married problematic.
86	<p>Consultation Question 86. 14.98 We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings; (2) the costs of marrying on approved premises; (3) the costs of marrying in registered places of worship; (4) the costs of marrying in locations that are not authorised for weddings under the current law; and (5) the necessity and costs of a having a separate, legally recognised wedding.</p> <p>14.99 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to: (1) the availability of register office weddings and any savings in relation to them; (2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and (3) the necessity of a separate, legally recognised wedding and any consequent savings. If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. Paragraph 13.42 425</p>	4. Currently, many couples tell us that registration service staff do not realise that Quaker marriages can take place anywhere agreed by Quakers. The proposed changes would make it easier for Quakers, as registration services will become used to the idea that couples can marry anywhere, rather than (mainly) in specific authorised locations.

	Consultation Question	Quaker response
91	Consultation Question 91. 14.108 We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to: (1) Government and local authorities; (2) businesses; (3) religious (and non-religious belief) organisations; (4) independent officiants; and / or (5) couples. Paragraph 13.111	Currently Quakers inform the GRO of new registering officers (officiants) and their names are added without charge. Under the proposals, it is not clear what the cost will be to Quakers when informing the GRO of a new officiant.

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Mandate routine enquiry about domestic abuse
Date: 09 December 2020 13:22:00

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

*Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women **have to be asked if they are experiencing violence and abuse five times** before they seek help.*

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.



From: [REDACTED]
To: [Weddings](#)
Subject: Mandate routine enquiry about domestic abuse at wedding registration
Date: 10 December 2020 13:46:43

Hello,

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives (ONS Domestic Abuse Statistics, 2018). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women have to be asked if they are experiencing violence and abuse five times before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

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Thank you for considering this request.

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: FW: Mandate routine enquiry about domestic abuse at wedding registration
Date: 10 December 2020 16:48:28

Mandate routine enquiry about domestic abuse at wedding registration

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From: [REDACTED]
To: [Weddings](#)
Subject: Mandate routine enquiry about domestic abuse at wedding registration
Date: 14 December 2020 10:54:51

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

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From: [REDACTED]
To: weddings@lawcommission.gov.uk
Date: 14 December 2020 15:40:23

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

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If you have any questions please email [REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Mandate routine enquiry about domestic abuse at wedding registration.
Date: 16 December 2020 17:43:39

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

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We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships..

Yours sincerely

[REDACTED]

Law Commission consultation on weddings law

Name:	[REDACTED]
Organisation:	Welsh Women's Aid
Email address:	[REDACTED]
Telephone number:	[REDACTED]
Address:	[REDACTED]
These are the views of:	Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.

About Welsh Women's Aid

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums). These services deliver life-saving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

Introduction

Welsh Women's Aid welcomes the opportunity to respond to this consultation on weddings law. We will not be responding to the full list of consultation questions but instead have written this briefing to highlight the key points relating to our work for the commission to consider when drafting its recommendations. As the national umbrella body in Wales working towards the prevention of violence against women, domestic abuse, and sexual violence, our comments will focus primarily ensuring the new W



weddings law does not increase opportunity for coercive control or forced marriage.

Key consideration

1. Will any recommendations to a change in weddings law increase the opportunities for perpetrators to continue abuse?
2. Will any recommendations to a change in weddings Law limit opportunities for survivors to leave violent or abusive situations?

New proposed scheme points to consider

Welsh Women's Aid does not outright object to the new proposed changes to the weddings law, but have concerns with some elements of the changes. Below we have outlined some of the potential consequences, which should be taken into consideration when drafting recommendations.

Current law	New proposed scheme	WWA points to consider
Civil Preliminaries		
A person must give notice of their intended wedding in person in the registration district where they have resided for the past seven days.	Individuals will be able to give notice of their intended wedding remotely, and choose the registration district where they attend to complete the preliminaries.	<ul style="list-style-type: none"> – Less face to face contact could potentially limit a survivors chance to disclose abuse. – Notice could be given on behalf of a partner against their will.
Notice of the intended marriage is posted at the local register office.	Upcoming weddings will be published online, accessible to the wider community.	<ul style="list-style-type: none"> – Consideration needs to be taken on the accessibility of the information and clear communicated to both parties the intention of this will be published online. – Consideration needs to be taken of the possible increase in malicious use of this information and how this could lead to harassment and abuse of the parties involved.
Types of wedding		
Couples must choose between a civil or a religious ceremony. There is no option to have a wedding according to beliefs that are nonreligious.	Our scheme would enable weddings conducted by non-religious belief organisations (such as Humanists) and/or independent celebrants, if Government decided to permit them.	<ul style="list-style-type: none"> - Consideration needs to be made to ensure that all weddings are undertaken in a manner that is open and transparent, ensuring the rights of participants to freely participate. Consideration of the role of an independent celebrant in ensuring that



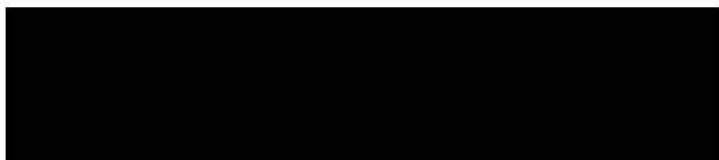


Live Fear Free Helpline Llinell Gymorth Byw Heb Ofn

Providing confidential support and information on domestic abuse, sexual violence and violence against women in Wales. Cyswrtu gwybodaeth a chofrestruadwyd yn ddwyddiol ar ddarparfwrdd a phroblemau hysbysu. Rhai hysbysu a phroblemau hysbysu yn ddwyddiol.



		there is no undue pressure on either party to participate unwillingly in the wedding.
Location		
With few exceptions, all couples must have their wedding either in a place of worship or a licensed secular venue. Couples generally cannot marry outdoors, even in the garden of a licensed venue.	All weddings will be legally permitted to take place in a location chosen by the couple. Couples will be able to marry outdoors and in their own homes.	<ul style="list-style-type: none"> - Weddings inside the home may increase opportunities to conceal abuse or the nature of the marriage being forced, particularly if the ceremony is being conducted by a member of the family.
Ceremonies		
Civil weddings and some types of religious wedding are required to include prescribed Words.	There will be no prescribed words, giving couples greater freedom as to the form their wedding takes, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.	<ul style="list-style-type: none"> - This may increase opportunity to coerce an unwilling partner to take part in a ceremony if the other party is not legally obligated to (verbally) acknowledge their commitment to the marriage for it to be recognised as legally binding.
Couples cannot include elements in a civil wedding that reflect religious beliefs.	So long as it is still identifiable as a civil ceremony, couples will be able to have religious songs, readings and hymns as part of their civil weddings.	<ul style="list-style-type: none"> - No inherent concerns
Validity		
If a couple fails to comply with the legal requirements, either intentionally or without realising, the law might not recognise them as being legally married.	Fewer ceremonies will result in a wedding that the law does not recognise at all.	<ul style="list-style-type: none"> - This may increase opportunity to coerce an unwilling partner into a legally binding marriage if less scrutiny is given to legal process. - Conversely, if sufficient scrutiny and awareness is provided this may be beneficial to some in ensuring unofficial marriages are not imposed or used to control women.





Recommendations

- That all wedding officiators are required to have a knowledge of forced marriage and coercive control.
- That both parties must provide proof when giving notice of marriage that they are both willing for the marriage to go ahead.
- That the UK Government invest in ensuring information on forced marriage is made readily available by the Government, so people are aware of the rights and that forced marriage is illegal and have awareness of the support available.¹
- That there must be verbal acknowledgement in the ceremony from both parties that they agree to the marriage before it is considered legally binding.
- In the case where people are unable to verbally acknowledge due to a disability, an alternative form of formal acknowledgement is put in place, developed in partnership with specialist disability organisations.

About forced marriage

Forced marriage is when one or both people do not or cannot consent to the marriage.² It can include forcing someone to marry through coercion, pressure or abuse from family members or others.

People can be physically, emotionally, psychologically and financially pressured to marry a person that they do not consent to marry. Physical pressure can include threats, actual physical violence and sexual violence. Emotional and psychological pressure can make someone feel like they will bring shame on the family. Financial pressure can be when someone's wages are removed or their access to money is restricted.

A forced marriage is not the same as an arranged marriage. In an arranged marriage, whilst family members can match the couple to be married, either party has a choice as to whether or not to agree consent for the marriage.

Forced marriage is not an issue that is specific to any religion, ethnic group or culture.

Women's experience of abuse often does not end with the pressure to marry. Many women are also subjected to different forms of abuse within the context of their marriage. This can range from emotional, psychological and financial abuse to sexual and physical violence.³

About coercive control

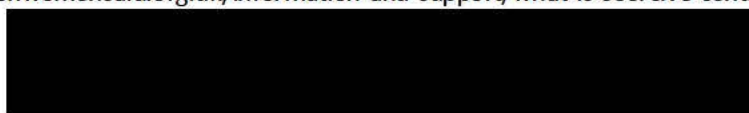
It is a criminal offence in England and Wales for someone to subject you to coercive control.⁴ Coercive control is when a person you are personally connected with repeatedly behaves in a way that makes

¹ <https://www.welshwomensaid.org.uk/wp-content/uploads/2018/07/Forced-Marriage-and-the-Law.pdf>

² <https://www.welshwomensaid.org.uk/information-and-support/what-is-forced-marriage/>

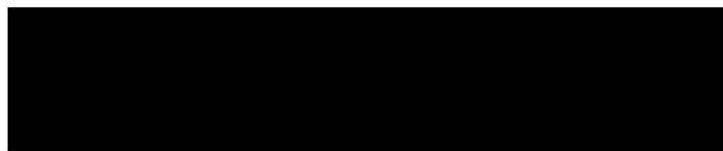
³ <https://www.welshwomensaid.org.uk/wp-content/uploads/2018/07/Forced-Marriage-and-the-Law.pdf>

⁴ <https://www.welshwomensaid.org.uk/information-and-support/what-is-coercive-control/>





you feel controlled, isolated or scared. This could include isolating you from friends and family, controlling your finances, monitoring what you do and where you go, putting you down and making you feel worthless or threatening to harm you, your child or your property. There is not a definitive list of behaviours, as the abuser will use various means to establish controlling or coercive behaviour.



Getting Married: A Consultation Paper on Weddings Law

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>

CHAPTER 1 – INTRODUCTION		
Q1	We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so: (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out? (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)? (3) have you experienced any	NO 1. N/A 2. N/A 3. N/A
Q2	We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.	N/A
Q3	We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.	N/A
CHAPTER 2 – THE CURRENT LAW		
CHAPTER 3 – OVERVIEW OF OUR PROPOSED SCHEME		
CHAPTER 4 – PRELIMINARIES		
Q4	We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished. Do consultees agree?	YES

Q5	We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in person interview at a later date. Do consultees agree?	YES
Q6	We invite consultees' views as to whether the minimum period between the in person interviews and the date from which the couple can get married should be: (1) three days; (2) seven days; or (3) another period of time	(3) Ten days
Q7	We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.	NO. Not consistent and discriminatory to ask some couples to come for a face to face interview. Impossible to judge sham, capacity or coercion in remote interview
Q8	We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.	YES
Q9	We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm. Do consultees agree?	NO. Should be consistent for everyone. How do we judge if a person may be subject to risk or harm
Q10	We provisionally propose that the schedule should be valid for 12 months from the date of issue. Do consultees agree?	YES
Q11	We provisionally propose that: (1) the schedule should identify the officiant who will officiate at the wedding; and	(1) NO

	(2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree?	Impossible to know who officiant will be 12 months in advance especially if it is a Civil marriage in a Register Office. (2) NO Notice for an amended schedule may be at very short notice and pressure to amend schedule at short notice or out of office hours
Q12	We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay. Do consultees agree? 4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.	YES Reason why naming an officiant is impractical. 4.101 YES
Q13	We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales. Do consultees agree?	YES Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.
Q14	We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed. Do consultees agree?	YES Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.
Q15	We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.	Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.
Q16	We invite consultees' views as to whether to authorise an Anglican wedding clergy should: (1) have the power to call for documentary evidence and be required to check such evidence; and (2) be required to meet with each of the couple separately, before banns are published.	(1) Banns for Church of England / Church in Wales marriages should be abolished (2) As above
Q17	We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage	Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.

	in order for a common licence to be granted to authorise an Anglican wedding.	
Q18	We invite consultees' views as to whether: (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or (2) all weddings should be preceded by civil preliminaries.	NO (1) Banns for Church of England / Church in Wales marriages should be abolished. YES (2) All marriage should be preceded by civil preliminaries at Register Offices
CHAPTER 5 – OFFICIANTS		
Q19	We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to: (1) ensure that the parties freely express consent to marry each other; (2) ensure that the other requirements of the ceremony are met; and (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed. Do consultees agree?	(1) YES (2) YES (3) YES
Q20	We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?	YES
Q21	We provisionally propose that only one registration officer should need to officiate at a civil wedding. Do consultees agree?	YES
Q22	We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office. Do consultees agree?	YES
Q23	We provisionally propose that: (1) for religious organisations ⁸¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for	(1) YES

	<p>nominating officiants to officiate at weddings; and</p> <p>(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.</p> <p>Do consultees agree?</p>	(2) YES
Q24	<p>We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in R (Hodkin) v Registrar General of Births, Deaths and Marriages⁸²) as</p> <p>An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.</p>	<p>NO</p> <p>NO</p>
Q25	<p>We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:</p> <p>(1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and</p> <p>(2) a wedding service or a sincerely held belief about marriage.</p> <p>Do consultees agree?</p>	<p>(1) NO General Register Office should be the body responsible</p> <p>(2) NO</p>
Q26	<p>We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government</p>	YES

	to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.	
Q27	We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.	YES
Q28	We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants. Do consultees agree?	YES
Q29	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?	NO
Q30	We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are "fit and proper" persons. Do consultees agree?	YES
Q31	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are "fit and proper" persons by proving that they: (1) are aged at least 18; (2) understand the legal requirements for being an officiant and performing the	(1) NO (2) NO (3) NO No independent officiants

	<p>role; and</p> <p>(3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.</p> <p>Do consultees agree?</p>	
Q32	<p>We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs.</p> <p>Do consultees agree?</p>	YES
Q33	<p>We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.</p> <p>Do consultees agree?</p>	<p>NO</p> <p>No independent officiants</p>
Q34	<p>We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:</p> <p>(1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or</p> <p>(2) nominated by both a religious and a non-religious belief organisation.</p> <p>Do consultees agree?</p>	<p>(1) YES</p> <p>(2) YES</p>
Q35	<p>We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.</p> <p>Do consultees agree?</p>	YES
Q36	<p>We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.</p>	YES

	Do consultees agree?	
Q37	We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree?	YES
Q38	We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?	YES
Q39	We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?	NO - I do not agree with Independent Officiants
Q40	We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?	YES
Q41	We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?	NO – I do not agree with Independent Officiants
CHAPTER 6 – THE WEDDING CEREMONY		
Q42	We provisionally propose that: (1) during every wedding ceremony, the parties:	1. (a) YES – express consent at ceremony (b) Express no Impediment at preliminaries

	<p>(a) should be required to express their consent to be married to each other, whether orally or otherwise, but</p> <p>(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);</p> <p>(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;</p> <p>(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and</p> <p>(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).</p> <p>Do consultees agree?</p>	<p>(2) YES</p> <p>(3) Schedule to have statement of consent</p> <p>(4) Marriage formed by signing the declaration in the marriage schedule</p>
Q43	<p>We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.</p> <p>Do consultees agree?</p>	YES
Q44	<p>We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own</p>	YES

	requirements as a matter of their own practice). Do consultees agree?	
Q45	<p>We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service. Do consultees agree?</p> <p>We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.</p>	<p>NO</p> <p>Civil marriages should have no religious content</p>
Q46	<p>We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed. Do consultees agree?</p>	<p>NO</p> <p>Couples should have a subsequent religious ceremony if they wish after a civil marriage</p>
Q47	<p>We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?</p>	NO
CHAPTER 7 – LOCATION		
Q48	<p>We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?</p> <p>We invite consultees' views as to whether the law should limit weddings in any particular venues, including:</p> <ul style="list-style-type: none"> (1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes. 	<p>YES</p> <p>(1) YES (2) YES but not under water (3) NO (4) NO</p>
Q49	<p>We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.</p>	<p>NO – needs to be publicly accessible and H & S standards assessed.</p>

	Do consultees agree?	
Q50	<p>We invite consultees' views as to whether the law should prohibit:</p> <p>(1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues?</p> <p>(2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?</p> <p>(3) (if non-religious belief organisations are enabled by Government to officiate at weddings)</p>	<p>(1) YES</p> <p>(2) YES</p>
Q51	<p>We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.</p> <p>Do consultees agree?</p>	YES
Q52	<p>We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:</p> <p>(1) safe, and</p> <p>(2) dignified.</p> <p>Do consultees agree?</p> <p>We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.</p> <p>Do consultees agree?</p>	<p>(1) YES</p> <p>(2) YES</p> <p>YES</p>
Q53	<p>We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.</p> <p>7.200 If consultees agree that there should be such a pre-approval process:</p> <p>(1) who should be responsible for it, and</p> <p>(2) how should it work?</p>	<p>YES</p> <p>(1) Local Authority Licence</p> <p>(2) for a specified time frame as Approved Premised licences currently operate</p>

CHAPTER 8 – REGISTRATION		
Q54	<p>We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:</p> <p>(1) the date of the wedding; (2) the location of the wedding; and (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".</p> <p>Do consultees agree?</p>	<p>(1) YES (2) YES (3) YES</p>
Q55	<p>We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.</p> <p>Do consultees agree?</p>	<p>YES - couple can choose if English only, Welsh only or bilingual English and Welsh</p>
Q56	<p>We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.</p> <p>Do consultees agree?</p>	<p>NO - registration should be in a Register Office for consistency and accuracy. Certificates can only be successfully produced in an office setting</p>
CHAPTER 9 – EQUALITY LAW AND RELIGIOUS WEDDINGS		
CHAPTER 10 – VALIDITY AND OFFENCES		
Q57	<p>We provisionally propose that any one of the following factors on its own should render a marriage void:</p> <p>(1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority; (2) the wedding taking place after authority to marry had lapsed; (3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or (4) the knowledge of both parties that the necessary opt into same-sex marriage</p>	<p>(1) YES (2) YES (3) YES (4) YES</p>

	<p>had not been given by the relevant religious governing authority, in the case of same-sex marriages. Do consultees agree?</p> <p>We provisionally propose that the following factors should not render a marriage void:</p> <p>(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;</p> <p>(2) the absence of witnesses; and</p> <p>(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage. Do consultees agree?</p>	<p>(1) YES -unless it affect identity</p> <p>(2) NO - witnesses are necessary</p> <p>(3) NO - couples should sign the schedule</p>
Q58	<p>We provisionally propose that the following factors should result in a non-qualifying ceremony:</p> <p>(1) both:</p> <p>(a) failure of one or both parties to the marriage to give notice of the intended marriage, and</p> <p>(b) either:</p> <p>(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or</p> <p>(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or</p> <p>(2) failure of one or both parties to express consent to the marriage.</p> <p>109 Do consultees agree?</p>	<p>(1) YES</p> <p>(a) YES</p> <p>(b) YES</p> <p>(i) YES</p> <p>(ii) YES</p> <p>(2) YES</p>
Q59	<p>We provisionally propose that a presumption in favour of the validity of a marriage should arise where:</p> <p>(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or</p> <p>(2) the couple have given notice and gone through a ceremony with a person</p>	<p>(1) YES</p> <p>(2) YES</p>

	<p>acting as officiant, but should not require the couple to have cohabited for any period after its celebration.</p> <p>Do consultees agree?</p> <p>10.132 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.</p> <p>Do consultees agree?</p>	<p>(3) I agree that the presumption should be abolished – couples must be married in law. They cannot be presumed to be married.</p>
Q60	<p>We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.</p> <p>Do consultees agree?</p>	YES
Q61	<p>We provisionally propose that it should be an offence:</p> <p>(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony;</p> <p>or</p> <p>(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.</p> <p>Do consultees agree?</p>	<p>(1) YES</p> <p>(2) YES</p>
CHAPTER 11 – SPECIAL TYPES OF WEDDING		
Q62	<p>We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.</p>	<p>Provision is adequate for housebound and detained persons.</p> <p>Evidence for terminally ill persons could be simplified.</p>
Q63	<p>We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.</p> <p>Do consultees agree?</p>	YES
Q64	<p>We provisionally propose that the Registrar General's licence should be abolished,</p>	YES

	and that there should be a single form of civil authority to marry – a schedule – issued by registration officers. Do consultees agree?	
Q65	We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months. Do consultees agree?	YES
Q66	We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months. Do consultees agree?	YES
Q67	<p>We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:</p> <p>(1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;</p> <p>(2) both stages of civil preliminaries to take place entirely remotely;</p> <p>(3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and</p> <p>(4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency. Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.</p>	<p>(1) YES (2) NO (3) NO (4) NO</p> <p>YES</p> <p>NO – Medical evidence should be requested. I could be obtained by e-mail if necessary</p>

	Do consultees agree?	
Q68	We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree?	YES
Q69	We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?	YES
Q70	We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.	YES NO only cruise ships with a properly authorized officiant.
Q71	We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant. Do consultees agree?	YES
Q72	We provisionally propose that weddings on ships in international waters should be officiated by: (1) deck officers who have been authorised by the Registrar General as maritime officiants; and (2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants. Do consultees agree? We provisionally propose that maritime officiants should be subject to the same	(1) YES (2) YES YES

	<p>rules as we have provisionally proposed should apply to independent officiants. Do consultees agree?</p> <p>We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant. Do consultees agree?</p>	YES
Q73	We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.	NOT KNOWN
Q74	<p>We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible. Do consultees agree?</p>	NO - there should be a time limit
CHAPTER 12 – FEES		
Q75	<p>We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree?</p>	YES – a set fee based on pay scales, a reasonable estimate of time and mileage
Q76	<p>We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be:</p> <p>(1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or</p> <p>(2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.</p>	<p>(1) NO</p> <p>(2) YES</p>

Q77	We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation. Do consultees agree?	YES - the current fee is far too low and it should be on a cost recovery basis comparable to other ceremonies for example citizenship ceremonies - at least double what it is now
Q78	We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis. Do consultees agree?	YES
Q79	We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree?	YES Fee should reflect the fact that the Local Authority is guaranteeing the venue's suitability, dignity and health & safety standards.
Q80	We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales. Do consultees agree?	YES Minimum of 3 hours if there is only one ceremony allocated that day
Q81	We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony. Do consultees agree?	YES
Q82	We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the	YES

	same fees as prescribed for the registration officer to officiate at any other wedding outside the register office. Do consultees agree?	
Q83	We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee.	(1) YES (2) NO
Q84	We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree?	YES but local authorities should make application for officiants employed by that Local Authority

CHAPTER 13 – THE POTENTIAL IMPACT OF OUR PROPOSALS

Q85	We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.	(1) NO – couples can marry for statutory fee of £46.00 + Notice of marriage fee £70.00 + certificate fee £11.00 = £127 (2) NO - there would not be a significant increase as couples can now marry for statutory fee as above
Q86	We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings; (2) the costs of marrying on approved premises; (3) the costs of marrying in registered places of worship; (4) the costs of marrying in locations that are not authorised for weddings under the current law; and (5) the necessity and costs of a having a separate, legally recognised wedding.	(1) Cost of £127 is well below cost recovery level and should be raised to cost recovery. Availability is limited because Local Authorities are providing the service at a loss / below cost recovery. (2) Costs are calculated on a cost recovery basis (3) Not Known (4) Not known (5) That is the couple's choice and the statutory fee (£127 as above) is insignificant compared to the amount couples are prepared to pay for elaborate ceremonies abroad or at non-licensed venues.

	<p>13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:</p> <ul style="list-style-type: none"> (1) the availability of register office weddings and any savings in relation to them; (2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and (3) the necessity of a separate, legally recognised wedding and any consequent savings. <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>13.43</p> <ul style="list-style-type: none"> (1) Register Office availability are limited because Local Authorities are not recovering their costs for statutory fee weddings. (2) Local authority Approved premises and Hotels should have a long lead time if the number of venues and types of venues are to be expanded. (3) Savings are minimal compared to the amount couples are willing to spend on other aspects of their wedding including venues abroad
Q87	<p>We invite consultees' views on the impact of the current law on venues, including in relation to:</p> <ul style="list-style-type: none"> (1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, 40 including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and (2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance. <p>13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:</p> <ul style="list-style-type: none"> (1) hosting weddings without requiring Government pre-approval; (2) the availability of registration officers for civil weddings; (3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and (4) the business opportunities arising from an increase in the number of weddings in England and Wales. 	<ul style="list-style-type: none"> (1) These costs are recouped from the wedding business. (2) There is no problem with availability of registrars <p>13.62</p> <ul style="list-style-type: none"> (1) Venues should be vetted for Health & Safety standards as officiants will have to work at venues for the ceremony.. (2) There is no problem with the availability of Registration Officers (3) Religious marriages should be held in religious premises <ul style="list-style-type: none"> (3) No significant increase in the number of marriages in England or Wales but Hotel hospitality venues may see a decrease in the number of weddings, if current non licensed venues such as village halls, pubs and private homes are allowed,

	<p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.</p>	
Q88	<p>We invite consultees' views on the impact of the current law on local authorities.</p> <p>We invite consultees' views on the potential benefits to local authorities of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>Loss of income for Approved Premises licence fees as defined under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.</p> <p>Loss of income if non religious faith groups and independent officiants are allowed.</p> <p>Some fees may be recouped if venues must be vetted for health & safety standards.</p>
Q89	<p>We invite consultees' views on the impact of the current law on:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>(1) No change. Couples travel abroad to be married for different reasons. Cost of marrying in England and Wales is not a significant factor. The expense involved and time getting the necessary paperwork for abroad is significant and troublesome.</p> <p>(2) Difficult for some couples to spend 7 days pre-notice in residence in district and the 28 day waiting period if they live in the Americas, Australia or Asia.</p> <p>13.83</p> <p>(1) No great change as couples travel abroad for different reasons that do not necessarily involve the cost but possibly some more weddings in England and Wales if outdoor venues are allowed.</p> <p>(2) Remote notices at early stage may benefit couples that live abroad but face to face appointment must take place at some stage to maintain standard of checking to prevent forced or sham marriages</p>
Q90	<p>We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.</p>	NOT KNOWN

	<p>We invite consultees' views on the potential benefits to the United Kingdom ship register and the maritime industry of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	
Q91	<p>We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:</p> <p>(1) Government and local authorities;</p> <p>(2) businesses;</p> <p>(3) religious (and non-religious belief) organisations;</p> <p>(4) independent officiants; and / or</p> <p>(5) couples.</p>	<p>(1) Loss of income for Local Authorities due to loss of Approved premises fees and fewer civil marriage if non faith group and independent officiants are allowed. There should be a long lead time for changes to allow time to adapt.</p> <p>(2) Loss of income for current licensed Hotels/hospitality if venues such as village halls, pubs and private homes are allowed. There should be a long lead time for changes to allow businesses to adapt.</p> <p>(3) No change to religious organisations . Increase in income for non-religious faith groups.</p> <p>(4) Increase in income for independent officiants if allowed</p> <p>(5) More choice of venues for couples but the fees charged by independent officiants are higher than fees charged by Local Authority registration services.</p>

From: [REDACTED]
To: [Weddings](#)
Subject: FW: Consultation on weddings law
Date: 18 December 2020 11:40:23

Hi team,

I imagine you've already received the below, but please could you confirm receipt?

Many thanks,

[REDACTED]

[REDACTED]

For information about how we handle your personal data, please see our [Privacy Notice](#)

From: [REDACTED]
Sent: 18 December 2020 11:30
To: [REDACTED]
Subject: Fwd: Consultation on weddings law

Dear Sir/Madam,

Can you please forward my response on the consultation on weddings law to the appropriate people. Could they please confirm receipt.

Kind regards,

[REDACTED]

----- Original Message -----

From: [REDACTED]
To: weddings@lawcommisison.gov.uk
Sent: Friday, 18 Dec, 20 At 11:21
Subject: Consultation on weddings law

Dear Sir/Madam,

I wish to respond to question 29:

Consultation Question 29. 5.152 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?

I strongly agree with these proposals. To do otherwise would be discriminatory in terms of religion or belief. Hence, preventing independent officiants applying may be unlawful.

Proposals which would allow those with a defined religion or a defined belief to become officiants but prevent those without a defined religion or a defined belief, or without a religion or a belief, to become an officiant would be discriminatory. The Equalities Act prevents discrimination based on 'religion or belief', where 'religion' includes a lack of religion and 'belief' includes a lack of belief. Independent officiants may include those without a religion or without a belief. If independent celebrants meet the requirements of the General Register Office, and any other general requirements the law may see fit, they should be able to apply to be included on the public list of officiants.

Some religious and some belief organisations may oppose the proposals in Q29. They may well see themselves as benefiting from preventing the authorisation of independent officiants. This is not a valid reason.

Some may argue that independent officiants would be commercial, and they should be excluded from the public list because they are commercial. Yet independent officiants could, and probably would, operate in exactly same way as Anglican clergy, Humanist Celebrants etc. They would charge a fee. In this respect, from a customer perspective, access to officiants would be the same in all cases.

Authorising independent officiants would benefit the public, giving access to a wider range and, potentially, a larger number of officiants. It would also allow suitable people without a defined religion or a defined belief, including those without a religion or without a belief, the opportunity to offer legal weddings.

Kind regards,

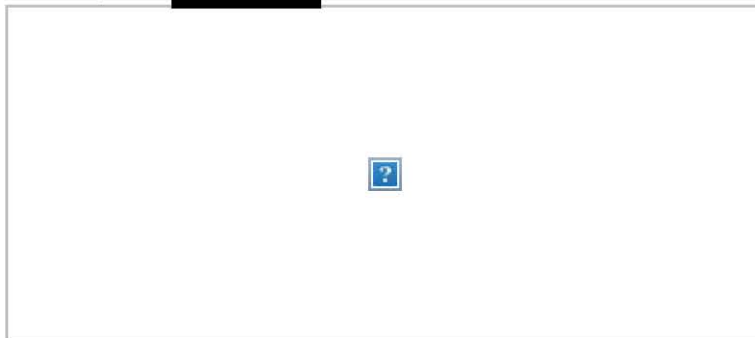


From: [REDACTED]
To: [Weddings](#)
Subject: Weddings Consultation Law Commission - Personal Response
Date: 21 December 2020 16:35:53
Attachments: [image001.png](#)
[Marriages Law Commission Consultation- \[REDACTED\] Dec 2020.docx](#)

[Please see attached](#)

My Personal response to the consultation as a Registrar of births deaths and marriages with 25 years of experience and as a person who 20 years ago married my husband 3 times- a non-legal wedding a legal wedding and then another non-legal wedding. We are very happy that the non-legal ones were non-legal and the register office wedding was legal.

Thank you [REDACTED]



Registrar | Cofrestrydd

[REDACTED]

[REDACTED]

[REDACTED]

We welcome correspondence in Welsh and English and will respond to correspondence in the same language. Use of either language will not lead to a delay

Opinions advice, conclusions and other information in this

message that do not relate to the official business of

Flintshire County Council shall be understood as neither

given nor endorsed by it or on its behalf, and consequently

Flintshire County Council shall bear no responsibility

whatsoever in respect thereof.

Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith. Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.

Deellir na fydd unrhyw safbwyntiau, na chynghorion, na

chasgliadau nac unrhyw wybodaeth arall yn y neges hon,

nad ydynt yn berthnasol i waith swyddogol

Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo

nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn

unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

Getting Married: A Consultation Paper on Weddings Law

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>

CHAPTER 1 – INTRODUCTION		
Q1	We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so: (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out? (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)? (3) have you experienced any	NO 1. N/A 2. N/A 3. N/A
Q2	We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.	N/A
Q3	We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.	N/A
CHAPTER 2 – THE CURRENT LAW		
CHAPTER 3 – OVERVIEW OF OUR PROPOSED SCHEME		
CHAPTER 4 – PRELIMINARIES		
Q4	We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished. Do consultees agree?	YES

Q5	We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in person interview at a later date. Do consultees agree?	YES
Q6	We invite consultees' views as to whether the minimum period between the in person interviews and the date from which the couple can get married should be: (1) three days; (2) seven days; or (3) another period of time	(3) Minimum 28 days
Q7	We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.	NO. Not consistent and discriminatory to ask some couples to come for a face to face interview. Impossible to judge sham, capacity or coercion in remote interview
Q8	We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.	YES
Q9	We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm. Do consultees agree?	YES
Q10	We provisionally propose that the schedule should be valid for 12 months from the date of issue. Do consultees agree?	YES
Q11	We provisionally propose that: (1) the schedule should identify the officiant who will officiate at the wedding; and	(1) NO

	(2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree?	Impossible to know who officiant will be 12 months in advance especially if it is a Civil marriage in a Register Office. (2) NO Notice for an amended schedule may be at very short notice and pressure to amend schedule at short notice or out of office hours
Q12	We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay. Do consultees agree? 4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.	NO 4.101 NO
Q13	We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales. Do consultees agree?	YES Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.
Q14	We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed. Do consultees agree?	YES Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.
Q15	We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.	Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.
Q16	We invite consultees' views as to whether to authorise an Anglican wedding clergy should: (1) have the power to call for documentary evidence and be required to check such evidence; and (2) be required to meet with each of the couple separately, before banns are published.	(1) Banns for Church of England / Church in Wales marriages should be abolished (2) As above
Q17	We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage	Banns for Church of England / Church in Wales marriages should be abolished. All notices of marriage should be at Register Offices.

	in order for a common licence to be granted to authorise an Anglican wedding.	
Q18	We invite consultees' views as to whether: (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or (2) all weddings should be preceded by civil preliminaries.	NO (1) Banns for Church of England / Church in Wales marriages should be abolished. YES (2) All marriage should be preceded by civil preliminaries at Register Offices
CHAPTER 5 – OFFICIANTS		
Q19	We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to: (1) ensure that the parties freely express consent to marry each other; (2) ensure that the other requirements of the ceremony are met; and (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed. Do consultees agree?	(1) YES (2) YES (3) YES
Q20	We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?	YES
Q21	We provisionally propose that only one registration officer should need to officiate at a civil wedding. Do consultees agree?	YES
Q22	We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office. Do consultees agree?	No opinion
Q23	We provisionally propose that: (1) for religious organisations ⁸¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for	(1) No opinion

	<p>nominating officiants to officiate at weddings; and</p> <p>(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.</p> <p>Do consultees agree?</p>	<p>(2) NO – An individual may set up their own Governing Authority in order to appoint themselves</p>
Q24	<p>We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in R (Hodkin) v Registrar General of Births, Deaths and Marriages⁸²) as</p> <p>An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.</p>	<p>NO – should come under GRO jurisdiction</p> <p>NO</p>
Q25	<p>We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:</p> <p>(1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and</p> <p>(2) a wedding service or a sincerely held belief about marriage.</p> <p>Do consultees agree?</p>	<p>(1) NO General Register Office should be the body responsible</p> <p>(2) NO</p>
Q26	<p>We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government</p>	<p>YES</p>

	to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.	
Q27	We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.	NO – should come under GRO jurisdiction
Q28	We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants. Do consultees agree?	YES
Q29	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?	YES with provision to strike them from the list if not of the required standard
Q30	We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons. Do consultees agree?	NO – should come under GRO jurisdiction
Q31	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they: (1) are aged at least 18; (2) understand the legal requirements for being an officiant and performing the	(1) YES

	<p>role; and</p> <p>(3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.</p> <p>Do consultees agree?</p>	
Q32	<p>We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs.</p> <p>Do consultees agree?</p>	YES – but will be impossible to ensure this is the case
Q33	<p>We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.</p> <p>Do consultees agree?</p>	NO -Should not charge for civil marriages to protect the public
Q34	<p>We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:</p> <p>(1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or</p> <p>(2) nominated by both a religious and a non-religious belief organisation.</p> <p>Do consultees agree?</p>	<p>(1) YES</p> <p>(2) YES</p>
Q35	<p>We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.</p> <p>Do consultees agree?</p>	YES
Q36	<p>We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.</p>	YES – standard to be inspected by GRO

	Do consultees agree?	
Q37	We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree?	NO and their own organisation
Q38	We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?	YES
Q39	We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?	YES
Q40	We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?	YES
Q41	We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?	YES
CHAPTER 6 – THE WEDDING CEREMONY		
Q42	We provisionally propose that: (1) during every wedding ceremony, the parties:	1. (a) YES – express consent at ceremony (b) Express no Impediment at preliminaries

	<p>(a) should be required to express their consent to be married to each other, whether orally or otherwise, but</p> <p>(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);</p> <p>(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;</p> <p>(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and</p> <p>(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).</p> <p>Do consultees agree?</p>	<p>(2) YES</p> <p>(3) Schedule to have statement of consent</p> <p>(4) Marriage formed by signing the declaration in the marriage schedule</p>
Q43	<p>We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.</p> <p>Do consultees agree?</p>	YES
Q44	<p>We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own</p>	YES

	requirements as a matter of their own practice). Do consultees agree?	
Q45	<p>We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service. Do consultees agree?</p> <p>We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.</p>	<p>YES</p> <p>No opinion</p>
Q46	<p>We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed. Do consultees agree?</p>	YES
Q47	<p>We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?</p>	NO
CHAPTER 7 – LOCATION		
Q48	<p>We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?</p> <p>We invite consultees' views as to whether the law should limit weddings in any particular venues, including:</p> <p>(1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes.</p>	<p>YES</p> <p>(1) YES (2) YES but not under water (3) NO (4) YES</p>
Q49	<p>We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.</p>	YES

	Do consultees agree?	
Q50	<p>We invite consultees' views as to whether the law should prohibit:</p> <p>(1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues?</p> <p>(2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?</p> <p>(3) (if non-religious belief organisations are enabled by Government to officiate at weddings)</p>	<p>(1) NO</p> <p>(2) NO</p>
Q51	<p>We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.</p> <p>Do consultees agree?</p>	YES or Local Authority on officiant's behalf
Q52	<p>We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:</p> <p>(1) safe, and</p> <p>(2) dignified.</p> <p>Do consultees agree?</p> <p>We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.</p> <p>Do consultees agree?</p>	<p>(1) YES</p> <p>(2) YES</p> <p>YES</p>
Q53	<p>We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.</p> <p>7.200 If consultees agree that there should be such a pre-approval process:</p> <p>(1) who should be responsible for it, and</p> <p>(2) how should it work?</p>	<p>YES</p> <p>(1) Local Authority Licence</p> <p>(2) for a specified time frame as Approved Premised licences currently operate</p>

CHAPTER 8 – REGISTRATION		
Q54	<p>We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:</p> <p>(1) the date of the wedding; (2) the location of the wedding; and (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".</p> <p>Do consultees agree?</p>	<p>(1) YES (2) YES (3) YES</p>
Q55	<p>We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.</p> <p>Do consultees agree?</p>	<p>YES - couple can choose if English only, Welsh only or bilingual English and Welsh</p>
Q56	<p>We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.</p> <p>Do consultees agree?</p>	<p>NO - registration should be in a Register Office for consistency and accuracy. Certificates can only be successfully produced in an office setting</p>
CHAPTER 9 – EQUALITY LAW AND RELIGIOUS WEDDINGS		
CHAPTER 10 – VALIDITY AND OFFENCES		
Q57	<p>We provisionally propose that any one of the following factors on its own should render a marriage void:</p> <p>(1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority; (2) the wedding taking place after authority to marry had lapsed; (3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or (4) the knowledge of both parties that the necessary opt into same-sex marriage</p>	<p>(1) YES (2) YES (3) YES (4) YES</p>

	<p>had not been given by the relevant religious governing authority, in the case of same-sex marriages. Do consultees agree?</p> <p>We provisionally propose that the following factors should not render a marriage void:</p> <p>(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;</p> <p>(2) the absence of witnesses; and</p> <p>(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage. Do consultees agree?</p>	<p>(1) YES -unless it affect identity</p> <p>(2) NO - witnesses are necessary</p> <p>(3) NO - couples should sign the schedule</p>
Q58	<p>We provisionally propose that the following factors should result in a non-qualifying ceremony:</p> <p>(1) both:</p> <p>(a) failure of one or both parties to the marriage to give notice of the intended marriage, and</p> <p>(b) either:</p> <p>(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or</p> <p>(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or</p> <p>(2) failure of one or both parties to express consent to the marriage.</p> <p>109 Do consultees agree?</p>	<p>(1) YES</p> <p>(a) YES</p> <p>(b) YES</p> <p>(i) YES</p> <p>(ii) YES</p> <p>(2) YES</p>
Q59	<p>We provisionally propose that a presumption in favour of the validity of a marriage should arise where:</p> <p>(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or</p> <p>(2) the couple have given notice and gone through a ceremony with a person</p>	<p>(1) YES</p> <p>(2) YES</p>

	<p>acting as officiant, but should not require the couple to have cohabited for any period after its celebration.</p> <p>Do consultees agree?</p> <p>10.132 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.</p> <p>Do consultees agree?</p>	<p>(3) I agree that the presumption should be abolished – couples must be married in law. They cannot be presumed to be married.</p>
Q60	<p>We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.</p> <p>Do consultees agree?</p>	YES
Q61	<p>We provisionally propose that it should be an offence:</p> <p>(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony;</p> <p>or</p> <p>(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.</p> <p>Do consultees agree?</p>	<p>(1) YES</p> <p>(2) YES</p>
CHAPTER 11 – SPECIAL TYPES OF WEDDING		
Q62	<p>We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.</p>	<p>Provision is adequate for housebound and detained persons.</p> <p>Evidence for terminally ill persons could be simplified.</p>
Q63	<p>We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.</p> <p>Do consultees agree?</p>	YES
Q64	<p>We provisionally propose that the Registrar General's licence should be abolished,</p>	YES

	and that there should be a single form of civil authority to marry – a schedule – issued by registration officers. Do consultees agree?	
Q65	We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months. Do consultees agree?	YES
Q66	We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months. Do consultees agree?	YES
Q67	<p>We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:</p> <p>(1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;</p> <p>(2) both stages of civil preliminaries to take place entirely remotely;</p> <p>(3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and</p> <p>(4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency. Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.</p>	<p>(1) YES (2) NO (3) NO (4) NO</p> <p>YES</p> <p>NO – Medical evidence should be requested. I could be obtained by e-mail if necessary</p>

	Do consultees agree?	
Q68	We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree?	YES – territorial sea only
Q69	We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?	No opinion
Q70	We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.	No opinion
Q71	We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant. Do consultees agree?	No opinion
Q72	<p>We provisionally propose that weddings on ships in international waters should be officiated by:</p> <p>(1) deck officers who have been authorised by the Registrar General as maritime officiants; and</p> <p>(2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants.</p> <p>Do consultees agree?</p> <p>We provisionally propose that maritime officiants should be subject to the same</p>	No opinion

	<p>rules as we have provisionally proposed should apply to independent officiants. Do consultees agree?</p> <p>We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant. Do consultees agree?</p>	No opinion
Q73	We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.	No opinion
Q74	<p>We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible. Do consultees agree?</p>	YES
CHAPTER 12 – FEES		
Q75	<p>We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree?</p>	YES – a set fee based on pay scales, a reasonable estimate of time and mileage
Q76	<p>We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be:</p> <p>(1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or</p> <p>(2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.</p>	<p>(1) YES</p> <p>(2) NO</p>

Q77	We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation. Do consultees agree?	YES - the current fee is far too low and it should be on a cost recovery basis comparable to other ceremonies for example citizenship ceremonies - at least double what it is now
Q78	We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis. Do consultees agree?	YES
Q79	We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree?	YES Fee should reflect the fact that the Local Authority is guaranteeing the venue's suitability, dignity and health & safety standards.
Q80	We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales. Do consultees agree?	YES Minimum of 3 hours if there is only one ceremony allocated that day
Q81	We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony. Do consultees agree?	YES
Q82	We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the	YES

	same fees as prescribed for the registration officer to officiate at any other wedding outside the register office. Do consultees agree?	
Q83	We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee.	(1) YES (2) NO
Q84	We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree?	YES but local authorities should make application for officiants employed by that Local Authority

CHAPTER 13 – THE POTENTIAL IMPACT OF OUR PROPOSALS

Q85	We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.	(1) NO – couples can marry for statutory fee of £46.00 + Notice of marriage fee £70.00 + certificate fee £11.00 = £127 (2) NO - there would not be a significant increase as couples can now marry for statutory fee as above
Q86	We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings; (2) the costs of marrying on approved premises; (3) the costs of marrying in registered places of worship; (4) the costs of marrying in locations that are not authorised for weddings under the current law; and (5) the necessity and costs of a having a separate, legally recognised wedding.	(1) Cost of £127 is well below cost recovery level and should be raised to cost recovery. Availability is limited because Local Authorities are providing the service at a loss / below cost recovery. (2) Costs are calculated on a cost recovery basis (3) Not Known (4) Not known (5) That is the couple's choice and the statutory fee (£127 as above) is insignificant compared to the amount couples are prepared to pay for elaborate ceremonies abroad or at non-licensed venues.

	<p>13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:</p> <ul style="list-style-type: none"> (1) the availability of register office weddings and any savings in relation to them; (2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and (3) the necessity of a separate, legally recognised wedding and any consequent savings. <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>13.43</p> <ul style="list-style-type: none"> (1) Register Office availability are limited because Local Authorities are not recovering their costs for statutory fee weddings. (2) Local authority Approved premises and Hotels should have a long lead time if the number of venues and types of venues are to be expanded. (3) Savings are minimal compared to the amount couples are willing to spend on other aspects of their wedding including venues abroad
Q87	<p>We invite consultees' views on the impact of the current law on venues, including in relation to:</p> <ul style="list-style-type: none"> (1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, 40 including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and (2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance. <p>13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:</p> <ul style="list-style-type: none"> (1) hosting weddings without requiring Government pre-approval; (2) the availability of registration officers for civil weddings; (3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and (4) the business opportunities arising from an increase in the number of weddings in England and Wales. 	<ul style="list-style-type: none"> (1) These costs are recouped from the wedding business. (2) There is no problem with availability of registrars <p>13.62</p> <ul style="list-style-type: none"> (1) Venues should be vetted for Health & Safety standards as officiants will have to work at venues for the ceremony.. (2) There is no problem with the availability of Registration Officers (3) Religious marriages should be held in religious premises <ul style="list-style-type: none"> (3) No significant increase in the number of marriages in England or Wales but Hotel hospitality venues may see a decrease in the number of weddings, if current non licensed venues such as village halls, pubs and private homes are allowed,

	<p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.</p>	
Q88	<p>We invite consultees' views on the impact of the current law on local authorities.</p> <p>We invite consultees' views on the potential benefits to local authorities of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>Loss of income for Approved Premises licence fees as defined under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.</p> <p>Loss of income if non religious faith groups and independent officiants are allowed.</p> <p>Some fees may be recouped if venues must be vetted for health & safety standards.</p>
Q89	<p>We invite consultees' views on the impact of the current law on:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and</p> <p>(2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>(1) No change. Couples travel abroad to be married for different reasons. Cost of marrying in England and Wales is not a significant factor. The expense involved and time getting the necessary paperwork for abroad is significant and troublesome.</p> <p>(2) Difficult for some couples to spend 7 days pre-notice in residence in district and the 28 day waiting period if they live in the Americas, Australia or Asia.</p> <p>13.83</p> <p>(1) No great change as couples travel abroad for different reasons that do not necessarily involve the cost but possibly some more weddings in England and Wales if outdoor venues are allowed.</p> <p>(2) Remote notices at early stage may benefit couples that live abroad but face to face appointment must take place at some stage to maintain standard of checking to prevent forced or sham marriages</p>
Q90	<p>We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.</p>	NO Opinion

	<p>We invite consultees' views on the potential benefits to the United Kingdom ship register and the maritime industry of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	
Q91	<p>We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:</p> <p>(1) Government and local authorities;</p> <p>(2) businesses;</p> <p>(3) religious (and non-religious belief) organisations;</p> <p>(4) independent officiants; and / or</p> <p>(5) couples.</p>	<p>(1) Loss of income for Local Authorities due to loss of Approved premises fees and fewer civil marriage if non faith group and independent officiants are allowed. There should be a long lead time for changes to allow time to adapt.</p> <p>(2) Loss of income for current licensed Hotels/hospitality if venues such as village halls, pubs and private homes are allowed. There should be a long lead time for changes to allow businesses to adapt.</p> <p>(3) No change to religious organisations . Increase in income for non-religious faith groups.</p> <p>(4) Increase in income for independent officiants if allowed</p> <p>(5) More choice of venues for couples but the fees charged by independent officiants are higher than fees charged by Local Authority registration services.</p>

From: [REDACTED]
To: [Weddings](#)
Subject: Commission's plans for weddings
Date: 22 December 2020 10:16:14

The Law Commission is consulting on plans that would profoundly undermine the seriousness of the marriage ceremony.

The Commission's plans herald the advent of tacky designer weddings. A couple would be able to get married wherever they want, as long as an officiant agrees it is "safe and dignified". But this vague standard will be easily satisfied as the consultation suggests ceremonies can take place "in the air". There seems to be a casual disregard for the need to protect the dignity and solemnity of marriage. Under the new plans it seems almost any venues and ceremony words can be used.

The Commission also wants to ditch the legally prescribed words parties say to agree they are free and willing to marry. The couple can use any words they choose, or none at all. It would even be possible to be married without even having to attend your own wedding ceremony!

The rules on wedding services aren't unwarranted restrictions on choice: they are to preserve the weightiness of the commitment being made. Marriage is between a man and a woman, for life. It should be entered into seriously. Messing with weddings in this way undermines the commitment of marriage.

Regards

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Changing the Law on Weddings
Date: 22 December 2020 10:32:02

Your proposals to allow a wedding to take place anywhere and for couples to say whatever they like is in my view, trivialising the seriousness of the wedding vows, making it little more than a piece of paper.

Even more people will not bother to get married at all; and we already know that there are far more breakdowns in relationships between those who do not get married.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: response to consultation on weddings law
Date: 22 December 2020 17:42:40

Law Commission's consultation on weddings law

[REDACTED]
[REDACTED] As in all religious groupings some will practise fundamentals, others more culturally.
Being married 40+ years I think the institution of marriage remains an essential building block in UK society and needs to be protected, even while marriage itself has been somewhat redefined in recent decades. It is with this background in mind that I submit a few observations to you on selected questions put out for consultation.

Qu 20. No registrars in religious weddings.

My concern here is not so much for larger well attended places of worship, whichever religious background, rather smaller religious (sub)groupings within current society, who may not have enough human capital to appoint an authorised person. This means that smaller bodies which depend on civil registrars to register weddings, will have to go through two different ceremonies for the wedding to be official. My fear is also that if virtually anyone were able then to conduct a marriage officially, it risks detracting from the seriousness of what it stands for.

Qu 42 Abolishing prescribed words.

Is it not the case here that formal language, which after all is only a small fraction of the overall wedding ceremony, helps all concerned to recognise the seriousness and solemnity of the marriage which is being entered into. Surely we want a marriage ceremony to be a meaningful public event. Worst case scenario is that marriage commitment might just end up as words on a document, which may in and of itself trivialise the contract which is being agreed to by both parties. Also, given that modern society is so individualised, there is also the risk that marriage could lose its public dimension and become a purely private matter. We need to find ways of strengthening the institution of marriage in 21st century society, lest its ability to remain a fundamental building block of society inadvertently becomes diminished.

Qu 48 No restrictions on venues.

Who decides when a venue is dignified and safe? How does one prevent unsuitable venues being used? Sadly human nature being what it is and ridiculous at times loses focus on these questions and potentially charts a path, which again risks trivialising marriage ceremonies and then devaluing the institution itself. It would be wonderful if we could just trust human nature in these matters, but reality requires institutional guidance (in this case the law) to ensure this important aspect in the building block of marriage within society, still enjoys its current and potentially its enhanced status as due consideration is given to these matters.

My conclusion. Let the primary filter in these and other associated questions

related to marriage protocols be what supports and enhances the institution of marriage in our increasingly pluralised society, rather than undermine it.

[REDACTED]

22/12/20

Background

The Evangelical Alliance UK is the largest and oldest body representing the UK's two million evangelical Christians. Established in 1846, today we work across a diverse constituency of over 18,000 individual members, as well as 3,000 churches and 500 organisations. The Evangelical Alliance is the founding member of the World Evangelical Alliance, which unites evangelical alliances based in different countries around the world, representing anywhere from 300 million to a billion evangelical Christians. This global reach reflects the influence of evangelical faith, which can also be seen in the huge social and ethnic diversity in British evangelical churches. All of our member churches will be significantly impacted by the new proposals, and evangelical Christians across the UK highly value the institution of marriage and will be interested in Government efforts to safeguard it. The Evangelical Alliance has frequently partnered with Marriage Week to highlight the importance of marriage to couples and to society, and has spoken up in public and in political debates to defend and promote marriage.

Question 3:

14.3 We invite consultees to share with us their experience with weddings during the pandemic.

For many Evangelical couples, marriage remains an important transition, after which the couple will begin living together. For them, the impact of lockdown measures was even more significant than it might have been for others who do not see marriage in these terms. For many, the lockdown meant that other life decisions were impacted, including housing, relocation and employment.

With this in mind, when weddings have been permitted, evangelical couples have been more inclined to take the opportunity to get married under whatever conditions imposed, rather than waiting until they can have the wedding they might have initially envisaged. This is due to the importance given to beliefs around marriage among evangelical Christians. Many such couples quickly arranged or rearranged their weddings during this period, not knowing whether the situation would change at very short notice. Some weddings, for example, were brought forward in order to continue with 30 guests rather than 15, whereas other couples were left in the dark until the last moment as to whether they could have any form of reception.

Question 23:

14.24 We provisionally propose that:

- (1) for religious organisations other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants at weddings; and**

(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.

Do consultees agree?

The Evangelical Alliance broadly agrees with the proposal in 14.24(1). We have no opinion on 14.24(2).

It is important that the relevant governing authority is able to determine who does and does not conduct weddings on behalf of that body. However, different churches will have different structures that require the decision to be taken at different levels. What is more, these structures are not simply pragmatic ones, but reflect genuine theological differences between – or even within – faiths. In the Christian tradition, for example, some churches will see the local congregation (and its trustees) as the authority over the minister. For others, such as the Church of England, the denomination has greater significance as a governing authority. In addition, all churches will be members of a wide range of looser networks and organisations, such as the Evangelical Alliance – though we do not consider ourselves to be a relevant governing authority for the purposes of nominating officiants. The churches we represent therefore have a wide spread of structures and it is vital that these are understood, and that any system of recognizing such governing authorities can adapt to these differing views.

Alongside such diverse structures, as acknowledged by the consultation document, there will be differences between religious organisations on whether to conduct certain marriages (e.g. same-sex marriages or remarriages after divorce). The exemptions for churches from being compelled to hold weddings contrary to that church's doctrine will have implications for determining relevant bodies for nominating officiants. We believe that denominations should retain the right to determine the position on marriage taken by its churches, and be able to insist that weddings in that denomination conform to its view of marriage. We would oppose a system where individual churches in denominations are their own governing authorities, able to change their individual view of marriage without the denomination having a means of redress. Governing authorities should also have the freedom to require nominated officiants to confirm support for the religious body's views and beliefs around marriage. The protections granted to religious groups in the the Marriage (Same-Sex Couples) Act 2013 will need examining to ensure that they continue to provide rigorous protection if changes are made.

In addition, we are concerned at the potential confusion which may arise if a single person could be a nominated officiant for more than one relevant body. The concern here is that a specific person could circumvent the authority of a governing body to define what weddings are permitted by becoming a nominated officiant with a different body that holds to different rules. Because of the removal of the tie to a venue this could lead to a situation where religious body B nominates someone as an officiant who is also an officiant of religious body A. There would then be significant ambiguity as to who is responsible for and endorses that person. There is also some confusion here as to what happens in the event of a conflict between a national body and local group.

Question 25:

14.27 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:

- (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs,**
- (2) a wedding service or a sincerely held belief about marriage.**

Do consultees agree?

The Evangelical Alliance supports this proposal and considers that it will allow significant freedom for churches in our membership outside of the Church of England to conduct weddings in accordance with their faith. At present those churches who own their own building (or have a long lease on one) can register it for weddings. However, many of our churches rent rooms or buildings for services from other organisations (e.g. schools, local councils, or theatres), and are unable to host weddings.

Indeed, many newer churches may choose never to take on permanent physical venues, either with practical concerns such as cost in mind, or because of a theological conviction that the church is not a building but a group of believers. The current reliance on registering buildings creates an inequality in the freedom of religious practice based on wealth or theological principle, which should end. The new system would allow all religious bodies to register church leaders as officiants and hold weddings at a suitable location.

The list of criteria given at this question seems to imply that the local religious community is to be seen as the relevant governing authority, as opposed to the denomination. However, as we noted in response to Question 23 at 14.24, some Christian traditions will put a higher priority on the wider denominational structure to such an extent that this would be the more natural governing authority. As noted above, there should not be ambiguity as to which body nominates officiants in a particular case. Officiants should only be registered with one governing authority to avoid pressure groups licensing their own officiants within religious bodies.

On the criteria itself, we believe that the initial list needs further development. Many evangelical churches will not have a fixed wedding service or liturgy, and will therefore rely on proving that they have a sincerely-held belief about marriage. While the Christian tradition has the resources to meet this criteria, we would be concerned if groups relying on this criterion found it harder to prove than groups with a set marriage service, as this would be privileging one form of religious practice over another. To this list of criteria, however, we would add the need for a formal disciplinary process for those who merit it, as these governing authorities – local or denominational, will have the primary responsibility of determining who should be officiants.

Question 26:

14.28 We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.

We believe that the state has a legitimate role in preventing criminal activity associated with marriage (e.g. forced marriage, fraud and immigration offences), and that governing authorities should not be able to nominate officiants if they are found to be complicit or negligent in this area.

However, the criteria in this question are much wider than this. We are unconvinced for example, that removing or suspending a body's right to nominate officiants at weddings will be a more appropriate sanction than others if a body is promoting unlawful purposes which are unrelated to weddings. The list of unlawful actions which could prompt the revocation of the right to nominate officiants should be exhaustive, and clearly set out, and these unlawful actions should be limited to those directly relevant to weddings themselves.

Question 28

14.30 We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.

We recognize the value of the General Register Office in maintaining records of officiants, to ensure that someone is only nominated as an officiant by a single governing authority. However, in the case of officiants nominated by governing authorities (e.g. religious organisations), we question the need for this list of religious leaders to be made public. We note that in some cases, the religious leaders of certain Christian convert communities may wish to remain anonymous, given the hostility and attacks they may face for their conversion. We believe that it would be unjustified to insist that these religious leaders place their information – and that of their religious organization – on a public list, which could be misused by opponents. We also believe that the General Register Office would only need a minimum amount of information – if indeed any – from officiants who are nominated by governing authorities (e.g. religious organisations), as the primary responsibility for training and discipline will lie with the governing authority itself.

Question 29

14.31 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants.

We agree that if independent officiants are permitted, the General Register Office should have a role in holding them to account and authorising them. However, there must be a clear distinction between independent officiants and those nominated by other organisations, including churches, so as to avoid confusion. It would be problematic, for example, if independent officiants were permitted to use religious buildings and give the impression of carrying out a religious service as sanctioned by a particular religious group.

Question 30

14.32 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons.

We agree that it should be the responsibility of the relevant nominating organization to ensure that their nominated officiants are “fit and proper”. However, what is meant by “fit and proper” person needs strict definition to ensure it does not become a state sanctioned test for who can be a religious leader. Many religious groups, after all, will wish to nominate their leaders as celebrants, and being ineligible for registration would be a significant restriction on their ability to lead a religious community. The list of “common” requirements for officiants demanded by the state should therefore be clear, short and specific, perhaps including a minimum age. Religious organisations should naturally be free to impose their own requirements, in terms of doctrine, character or mandatory training.

Question 31

14.33 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they:

- (1) are aged at least 18**
- (2) understand the legal requirements for being an officiant and performing the role; and**
- (3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General**

We recognize the need for the Registrar General to have some oversight of independent celebrants, if these are allowed. However, we would be concerned if this role, strictly applying to *independent* celebrants, were to transform into a more general oversight role of celebrants nominated by religious organisations. Instead, it should be up to the nominating organization to impose requirements beyond the minimum (e.g. an age limit), with any Government oversight being of the nominating organization and its processes, rather than the individual officiant.

We believe it would be justified to expect independent officiants to undertake mandatory training, but to make this voluntary for those nominated by an organization, or to work with larger organisations on a faith-specific training program of their own. We believe that religious organisations, particularly the larger ones, are best placed to decide what is appropriate for their officiants. The training proposed would place a higher standard on independent officiants precisely because they operate outside a larger group.

Question 34

14.36 We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:

- (1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or**
- (2) nominated by both a religious and a non-religious belief organisation.**

Do consultees agree?

We agree to both (1) and (2). In fact, we would support a stronger requirement, that an officiant can only be nominated by one organization, religious or otherwise, *or* be registered as an independent officiant if nominated by no other organization. An officiant should not be able to be nominated by two different religious organisations, for example, as different organisations could have different standards of training and beliefs around marriage, blurring the line between wedding services that are authorized by different religious groups. We also consider it important that religious bodies with buildings have discretion as to which officiants, be they religious, non-religious or independent, can officiate at weddings held on their premises.

Question 35

14.37 We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.

Do consultees agree?

We agree with the importance of the dignity and solemnity of marriage. However, we would note that dignity and solemnity are culturally laden terms. Even within Christianity in the UK, there has been substantial growth in newer churches whose cultural expectations around weddings are very different from what has gone before. One church's dignity might appear to lack solemnity to someone else. We believe that enforcing this should be a matter for nominating religious organisations, and that any engagement by public bodies on these grounds should take care to be culturally understanding and exhibit religious literacy.

Nonetheless, there are common Christian beliefs about marriage which, when communicated, should imbue it with dignity and solemnity. We consider that evangelical Christian beliefs around marriage as solely between a man and a woman for life is a view that upholds dignity and is held coherently and widely across the world. However, in a society where different groups hold different views of marriage, it is important that the freedom to hold such views is protected.

Finally, we would note that the dignity and solemnity of marriage is in fact preserved more by the commitment of the couple to each other in the years that follow the marriage, much more than by the wedding ceremony itself. Many churches run marriage preparation courses and offer counselling to couples with this in mind.

Question 36

14.38 We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.

If the General Register Office were to issue any mandatory guidance to all officiants, it should be the bare minimum standards required to prevent criminal offences (e.g. forced marriage or fraud). Beyond this there is also a role for voluntary guidance, and for working with nominating organisations. However, more detailed central guidance risks standardising weddings, which would not reflect the religious diversity in the UK (see answer to 14.37 above).

Question 37

14.39 We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them.

We agree that the primary responsibility for monitoring officiants and withdrawing authorization should lie with the nominating organisation. Moreover, we believe that state authorities should only be able to withdraw such authorization unilaterally in very specific circumstances, generally centering on the celebrant's complicity or negligence in connection with criminal offences being committed. As noted above, we believe that "fit and proper person" needs to be defined much more strictly, with an exhaustive list of circumstances in which this would be appropriate.

Question 38

14.40 We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act.

If the General Register Office is to have the power to de-authorise nominated officiants there needs to be clarity as to what is meant by "fit and proper". Where the designation of a fit and proper person lies with the authorizing body there is flexibility for the terms to fit what is appropriate for that context. If the GRO intends to overrule the actions or inaction of a religious body with regards to an individual there needs to be clear reasons and justification for doing so. A "fit and proper" person needs a strict definition, as previously mentioned it could include an exhaustive list of circumstances where a person would be deemed "unfit", focused on preventing criminal offences connected with registering marriages. It should not be a wide-ranging discretionary power, which in the context of religious organisations could be seen as a state veto on who may lead religious communities and preside over a core manifestation of their faith.

Question 42

14.44 We provisionally propose that:

- (1) during every wedding ceremony, the parties:**
 - (a) should be required to express their consent to be married to each other, whether orally or otherwise, but**
 - (b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);**
- (2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;**

- (3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and**
- (4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).**

It is essential that both parties in the wedding ceremony express their consent to be married. This should occur in public, either orally or in another way that is publicly witnessed. Likewise we consider that it is vital that declarations that there are no impediments occur within the ceremony, in front of witnesses, as well as previously in the preliminaries. While the signing of the marriage document or schedule can be taken as an expression of consent it should not remove the requirement for this to take place publicly in front of witnesses.

We agree with the proposal that religious bodies can submit forms of words to the GRO to identify how consent to be married will be expressed in their ceremony. Our only concern in this regard will be the need for a significant degree of religious literacy to acknowledge and understand the diversity of religious expression, even within one religious group such as Christianity.

Question 45

14.47 We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

14.48 We invite consultees' views as to whether specific examples of religious content s hould be expressly allowed at civil weddings, and, if so, what those examples should be.

The Evangelical Alliance recognizes that some couples who get married through civil wedding ceremonies would value the inclusion of religious material within that wedding ceremony. We understand this and would not oppose it. In the UK, Christian traditions are often seen as culturally foundational even if the couple do not actively practice religion or faith. However, the distinction between religious and civil ceremonies should be maintained so that marriage doctrines made by denominations are not undermined.

Some examples of religious content that could be allowed at civil weddings include prayers, both formal and extemporary, Bible verses and Christian hymns or songs. As long as the distinction is maintained between religious and civil *ceremonies*, we do not think there should be a list of prohibited materials.

Question 48

14.51 We provisionally propose that all weddings should be legally permitted to take place anywhere.

14.52 We invite consultees' views as to whether the law should limit weddings in any particular venues, including:

- (1) outdoors;**
- (2) on inland waters such as lakes or rivers;**
- (3) in the air, and/or**
- (4) in private homes**

The Evangelical Alliance recognizes the benefits from enabling weddings to take place in a wide variety of places. In particular, this will be of great help to churches and denominations that do not have permanent places of worship, but instead make use of other venues for meeting together to worship (e.g. schools, theatres, community centres). The shift from focusing on venue to officiant will enable couples to have weddings with their church community and led by their church leader (assuming they are an officiant), in any venue they choose.

We acknowledge the concerns that some have expressed that by deregulating the location of wedding ceremonies that locations will be used which undermine the dignity and solemnity of the occasion and of the marriage the couple are entering into. We also do not think that weddings should be permitted in private homes as this would not provide sufficient potential for scrutiny and would increase the risk of an abuse of process.

Question 49

14.53 We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages. Do consultees agree?

We disagree. We consider it a vital safeguard to the integrity of marriage and wedding ceremonies that they are where possible public or regularly available to the public.

Question 50

14.54 We invite consultees' views as to whether the law should prohibit:

- (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief venues?**
- (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?**
- (3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues?**

This is a highly complex aspect of the proposed changes. In removing the requirement for weddings to take place in regulated venues, it is then harder to regulate what is or is not a religious, or non-religious belief venue. As noted previously some churches do not meet in venues that are classified as places of worship with the GRO, but meet in other buildings for their regular services. It is also not clear what is defined as a non-religious belief venue unless it is a very narrow category relating to

where non-religious groups meet. However, many of these venues are likely to be multi-purpose venues and could also be used by religious groups for services.

Changes to wedding law should also recognize the autonomy of religious bodies to refuse permission for officiants from other religious bodies to hold weddings in their premises, and have complete discretion as to what ceremonies are allowed. The owners of religious premises will require explicit protection from claims of discrimination based on religion or belief or on sexual orientation if they choose only to allow their venue to be used by certain officiants or for some ceremonies and not others. For example, churches should be free to not allow officiants from religious bodies with different beliefs to their own, and also other churches with different views on same sex marriage.

We agree, however in cases where churches do not operate in religious venues (e.g. in a school or community hall), religious weddings should still be allowed to take place in these locations. This change could be beneficial for evangelical churches who do not own their premises. Our research has shown that many churches in the UK gather in a variety of venues such as private homes, converted shops, engineering factories and industrial units, so this would help churches who meet in unconventional locations.

For the distinction from civil weddings to be maintained within the proposed regime, we consider it sensible that such ceremonies are not permitted in religious buildings. More broadly, we think it should be left to the discretion of whoever is in charge of a venue to decide which weddings, if any, take place there. This would allow religious groups with a high view of the church building to limit use from those who do not share their faith and are not conducting weddings in line with that belief system. It would also allow other groups to hire out their property for weddings by others if they so desire.

Question 52

14.56 We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:

- (1) safe, and**
- (2) dignified**

While the Evangelical Alliance broadly agrees with this proposal, the criterion of “dignified” is hard to quantify and is likely to be at least somewhat culturally determined. We are concerned that notions of dignified could be used to object to culturally diverse practices, and with regards to the Evangelical Alliance’s membership we have in view here a range of Christian traditions represented in England and Wales and the cultural contexts they inhabit. Guidance should therefore be produced specifying what these requirements mean in a culturally sensitive way.

In most cases, ensuring a location is safe and legal is a straightforward requirement for those who are responsible for the venue. This will certainly be true for a hired building, for example. If the officiant is not also responsible for the venue concerned, it is unclear what duties should be theirs on top of those already imposed on the location’s legal owner, if applicable.

Question 57

14.63 We provisionally propose that any one of the following factors on its own should render a marriage void:

- (1) the failure of both or either part to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;**
- (2) the wedding taking place after authority to marry had lapsed;**
- (3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or**
- (4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.**

We consider that if either party know that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority then this should render a marriage void in the cases of same-sex marriages. We have no comment on the other factors.

14.64 We provisionally propose that the following factors should not render a marriage void:

- (1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;**
- (2) the absence of witnesses; and**
- (3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage**

We consider that the presence of witnesses is an essential component of public trust in the institution of marriage and the integrity of wedding ceremonies and therefore the absence of them should render a marriage void.

Question 59

14.67 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.

We agree with this proposal. The value of a wedding ceremony as a public declaration of marriage is a crucial legal safeguard. Therefore, a couple shouldn't be presumed to be married without the evidence of them having taken part in a legal ceremony.

Question 85

14.97 We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.

We believe that many of the proposals will be of great convenience to many evangelical churches, some of whom will not own their own buildings. However, we should note that, because of the high

value placed on marriage among Christians, many of those marrying in these churches would have been married anyway.

We believe that the wedding ceremony itself is only one part of encouraging legal marriage in the UK. As the marriage is greater than the wedding day itself, so measures to strengthen marriage will need to be examined which are beyond the remit of a consultation on weddings alone. These include financial incentives (or removing financial disincentives) for those in marriages, including those on benefits. They may also include an emphasis on the importance of commitment and marriage in relationships education – and legal education and literacy in the context of formal schooling should be part of the Commission's final recommendations. Some of these policies are outlined in the 2018 *Manifesto to Strengthen Families* produced by some Conservative MPs.¹

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

December 2020

¹ <https://www.strengtheningfamiliesmanifesto.com/>

Getting Married: A Consultation Paper on Weddings Law

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>

CHAPTER 1 – INTRODUCTION		
Q1	We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so: (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out? (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)? (3) have you experienced any	
Q2	We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.	
Q3	We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.	
CHAPTER 2 – THE CURRENT LAW		
CHAPTER 3 – OVERVIEW OF OUR PROPOSED SCHEME		
CHAPTER 4 – PRELIMINARIES		
Q4	We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished. Do consultees agree?	We agree. This is an archaic arrangement that appears to arise from when registration districts were much smaller and the registrar was aware of the local arrangements. The current evidence required for residency is not robust so abolition of this requirement is sensible.

Q5	<p>We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate inperson interview at a later date.</p> <p>Do consultees agree?</p>	<p>We agree that notice could be given at any registration district.</p> <p>We agree that it should be possible to start the notice period by giving notice online, by post or in person.</p> <p>We agree that a person is required to attend an in-person interview at a later date. We think this is important to:</p> <ul style="list-style-type: none"> ● help avoid sham/forced marriages ● to confirm capacity to marry ● to confirm freedom to marry <p>In-person interviews provide a more robust opportunity to pick up on issues that don't feel right and to be able to probe deeper, for example couples declaring they are single when they are still married, sham and forced marriages.</p>
Q6	<p>We invite consultees' views as to whether the minimum period between the inperson interviews and the date from which the couple can get married should be:</p> <p>(1) three days; (2) seven days; or (3) another period of time</p>	<p>We think the period of time should be sufficient for documentation issues to be resolved – such as ordering a copy of the persons decree absolute or consideration of foreign divorce documentation. The length of time it takes to do these activities should be built into this minimum period.</p>
Q7	<p>We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.</p>	<p>No, we believe in-person interview is vital for a robust marriage system such as avoiding sham/forced and other issues picked up during an interview.</p> <p>All couples should be treated equally.</p>
Q8	<p>We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.</p>	
Q9	<p>We provisionally propose that notices of marriage should be publicly displayed online,</p>	<p>We agree with publication online.</p>

	<p>save where this would expose either of the couple to a risk of harm. Do consultees agree?</p>	<p>We agree that all notices should be published with safeguards in place around address & occupation in particular circumstances such as sensitive military positions/ vulnerable persons such as domestic abuse in previous relationships.</p>
Q10	<p>We provisionally propose that the schedule should be valid for 12 months from the date of issue. Do consultees agree?</p>	<p>We agree to 12 months providing:</p> <ul style="list-style-type: none"> ● there is an ability to extend this period via emergency legislation. ● there is an easy workaround where the officiant has changed (especially important for local authority staff where flexibility of staff rosters is required)
Q11	<p>We provisionally propose that: (1) the schedule should identify the officiant who will officiate at the wedding; and (2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree?</p>	<p>Yes – we believe the officiant should be identified on the schedule although we would ask you to consider a generic officiant for local authority officiants as flexibility in rostering is required.</p> <p>Assuming that there is a master list of officiants the registration service could amend schedules but we would assume that a fee could be charged for this work.</p>
Q12	<p>We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay. Do consultees agree? 4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.</p>	<p>We believe that a substitute officiant should be able to officiate but this could be for any reason providing it is an official person which may have to be verified after the event. We would assume that there would be a fee attached to this and we would assume that there is no DUTY for registration officers to pick up these situations if a non-local authority officiant is unexpectedly unable to act.</p>
Q13	<p>We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales. Do consultees agree?</p>	
Q14	<p>We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed. Do consultees agree?</p>	

Q15	We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.	
Q16	We invite consultees' views as to whether to authorise an Anglican wedding clergy should: (1) have the power to call for documentary evidence and be required to check such evidence; and (2) be required to meet with each of the couple separately, before banns are published.	We believe notice of marriage/banns rules should be the same regardless of what type of wedding.
Q17	We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage in order for a common licence to be granted to authorise an Anglican wedding.	Yes both should attend
Q18	We invite consultees' views as to whether: (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or (2) all weddings should be preceded by civil preliminaries.	We believe universal civil preliminaries should be in place

CHAPTER 5 – OFFICIANTS

Q19	We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to: (1) ensure that the parties freely express consent to marry each other; (2) ensure that the other requirements of the ceremony are met; and (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed. Do consultees agree?	We agree
Q20	We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?	We agree

Q21	<p>We provisionally propose that only one registration officer should need to officiate at a civil wedding.</p> <p>Do consultees agree?</p>	We agree
Q22	<p>We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.</p> <p>Do consultees agree?</p>	We agree
Q23	<p>We provisionally propose that:</p> <p>(1) for religious organisations⁸¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and</p> <p>(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.</p> <p>Do consultees agree?</p>	<p>1) We agree</p> <p>2) We agree</p>
Q24	<p>We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in <i>R (Hodkin) v Registrar General of Births, Deaths and Marriages</i>⁸²) as</p> <p>An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.</p> <p>Do consultees agree?</p> <p>We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the</p>	<p>We agree</p> <p>Not sure how we could justify eliminating organisations?</p>

	purpose of officiating at weddings, and if so, what types of organisations should be listed.	
Q25	We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has: (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and (2) a wedding service or a sincerely held belief about marriage. Do consultees agree?	We believe that there should be equal treatment between religious and non-religious
Q26	We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.	We agree
Q27	We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.	Yes as long as this requirement is also applicable to local authority registration officers
Q28	We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants. Do consultees agree?	We agree
Q29	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?	We agree

Q30	<p>We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons.</p> <p>Do consultees agree?</p>	We agree
Q31	<p>We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they:</p> <p>(1) are aged at least 18;</p> <p>(2) understand the legal requirements for being an officiant and performing the role; and</p> <p>(3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.</p> <p>Do consultees agree?</p>	<p>(1) Agree</p> <p>(2) How is no. 2 determined – who is policing it/monitoring for compliance</p> <p>(3) Agree</p> <p>This would be a good time to introduce the need for a qualification and on-going CPD</p> <p>May need to consider disqualification rules in the same way that there are for registration officers.</p> <p>Also need to include a provision for disqualifying officiants once they have been nominated.</p>
Q32	<p>We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs.</p> <p>Do consultees agree?</p>	There should be a common principle for all officiants, so either they can all make a profit or they are all subject to cost recovery.
Q33	<p>We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.</p> <p>Do consultees agree?</p>	<p>We agree that there should be no conflict of interest but we don't agree with no limits on fees. This proposal would introduce inequalities within the wedding sector.</p> <p>There should be a level playing field across the sector with the same conflicts of interest/disqualifications/fees etc.</p>
Q34	<p>We provisionally propose that, if Government enables independent celebrants</p>	We agree

	and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be: (1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or (2) nominated by both a religious and a non-religious belief organisation. Do consultees agree?	
Q35	We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage. Do consultees agree?	We agree
Q36	We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted. Do consultees agree?	We probably agree but would like more information before committing to an answer.
Q37	We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree?	Yes but the organization needs to be accountable for the outcome to another body, with appeal routes available for any complainants.
Q38	We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?	Yes – same answer as above.
Q39	We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?	Yes we mostly agree but we envisage that this would require additional funding to set up a QA dept in GRO. Also GRO are not local to an area so consideration will need to be given to how a central body monitors the activities of persons at the local level.

Q40	We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?	We disagree, we think it should be time limited and subject to continuing CPD.
Q41	We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?	Yes we agree

CHAPTER 6 – THE WEDDING CEREMONY

Q42	<p>We provisionally propose that:</p> <p>(1) during every wedding ceremony, the parties:</p> <p>(a) should be required to express their consent to be married to each other, whether orally or otherwise, but</p> <p>(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);</p> <p>(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;</p> <p>(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and</p> <p>(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when</p>	<p>1.</p> <p>a) Agree</p> <p>b) Disagree</p> <p>2. Agree</p> <p>3. Agree</p> <p>4. We believe it should be the signature stage only</p>
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	signing the declaration in the schedule (or marriage document). Do consultees agree?	
Q43	We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant. Do consultees agree?	We agree
Q44	We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice). Do consultees agree?	We agree that there should be no special rules
Q45	We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service. Do consultees agree? We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.	We agree No specific examples required
Q46	We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed. Do consultees agree?	We agree
Q47	We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?	We agree but there needs to be a transparent route for objections prior to the ceremony

CHAPTER 7 – LOCATION

Q48	<p>We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?</p> <p>We invite consultees' views as to whether the law should limit weddings in any particular venues, including:</p> <ul style="list-style-type: none"> (1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes. 	<p>We agree but subject to health and safety requirements and planning where required.</p> <p>We don't believe there should any limits</p>
Q49	<p>We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages. Do consultees agree?</p>	<p>We agree providing there is no requirement for 'open door' weddings.</p>
Q50	<p>We invite consultees' views as to whether the law should prohibit:</p> <ul style="list-style-type: none"> (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues? (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues? (3) (if non-religious belief organisations are enabled by Government to officiate at weddings) 	<p>We don't believe there should be any prohibitions in any of the cases.</p>
Q51	<p>We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved. Do consultees agree?</p>	<p>We agree, but checks will be required such as th health and safety/ planning rules – how will that be evidenced.</p>
Q52	<p>We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:</p> <ul style="list-style-type: none"> (1) safe, and (2) dignified. 	<p>We agree</p>

	<p>Do consultees agree?</p> <p>We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.</p> <p>Do consultees agree?</p>	<p>Yes but GRO need to include planning/health and safety, fire requirements and local restrictions which may differ across local authority boundaries.</p>
Q53	<p>We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.</p> <p>7.200 If consultees agree that there should be such a pre-approval process:</p> <p>(1) who should be responsible for it, and</p> <p>(2) how should it work?</p>	<p>We agree with a preapproval process</p> <p>We think local authorities (preferably registration services) should be responsible as this is where the knowledge currently sits and it would lessen the impact of loss of income via the removal of licensing of venues.</p> <p>A consistent national framework is required.</p>

CHAPTER 8 – REGISTRATION

Q54	<p>We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:</p> <p>(1) the date of the wedding;</p> <p>(2) the location of the wedding; and</p> <p>(3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".</p> <p>Do consultees agree?</p>	<p>We agree but also couples agreement required in relation to names and occupations of the parties parents as there are occasions when they don't want this shown.</p>
Q55	<p>We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.</p> <p>Do consultees agree?</p>	<p>We agree, but what about other minority languages such as Cornish?</p>
Q56	<p>We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.</p> <p>Do consultees agree?</p>	<p>Need further info before we can comment</p>

CHAPTER 9 – EQUALITY LAW AND RELIGIOUS WEDDINGS

CHAPTER 10 – VALIDITY AND OFFENCES

Q57	<p>We provisionally propose that any one of the following factors on its own should render a marriage void:</p> <p>(1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;</p> <p>(2) the wedding taking place after authority to marry had lapsed;</p> <p>(3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or</p> <p>(4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the following factors should not render a marriage void:</p> <p>(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;</p> <p>(2) the absence of witnesses; and</p> <p>(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.</p> <p>Do consultees agree?</p>	<p>1) Non-qualifying otherwise this step will be avoided. Need to distinguish between giving notice and not giving notice accurately.</p> <p>2) Case specific void or non-qualifying subject to investigation</p> <p>3) Non qualifying</p> <p>4) Non qualifying</p> <p>1) Agree</p> <p>2) Disagree</p> <p>3) Void if not signed (providing that is the legal part)</p>
Q58	<p>We provisionally propose that the following factors should result in a non-qualifying ceremony:</p> <p>(1) both:</p> <p>(a) failure of one or both parties to the marriage to give notice of the intended marriage, and</p> <p>(b) either:</p> <p>(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or</p>	We disagree see answer above

[illegible]

	Do consultees agree?	
CHAPTER 11 – SPECIAL TYPES OF WEDDING		
Q62	We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.	<p>We believe the notice fee should be same as the standard fee</p> <p>The RGL fee needs to be reviewed to recover costs</p> <p>Housebound/detained only valid for 3 months, we suggest this should be extended to the same as standard notice as a person is permanently housebound not temporarily housebound.</p> <p>Housebound notices only if other parts change – can take place in house.</p> <p>Abolish the requirement for consent required for prison weddings unless there is a right to object to the location being used and replace with form for permission for date/time. Also there is no need for a form to be completed for each notice – one form should suffice for both notices.</p> <p>Notice period may need considering if prisoners are likely to be moved to different locations</p> <p>Need further information for how RGLs will work with an officiant system. Who is ultimately responsible for delivering them? RGLs must be brought in line with rest of legislation proposals</p> <p>If the waiver system could be turned around at very short notice there may not be a need for RGLs. Have one process for both RGLs and waivers for terminally ill persons.</p>
Q63	We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued. Do consultees agree?	We agree
Q64	We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule –	We agree but need to consider the current requirement for the issuer to sign the authority/schedule– may be an issue.

	issued by registration officers. Do consultees agree?	
Q65	We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months. Do consultees agree?	We agree
Q66	We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months. Do consultees agree?	We agree
Q67	<p>We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:</p> <p>(1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;</p> <p>(2) both stages of civil preliminaries to take place entirely remotely;</p> <p>(3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and</p> <p>(4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.</p> <p>Do consultees agree?</p>	<p>1) We agree 2) We disagree 3) We disagree 4) We disagree</p> <p>We agree</p> <p>We believe this would become very subjective as everybody is at risk of death.</p>

Q68	We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree?	We agree but it needs to be specific – what does 'adjacent' mean?
Q69	We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?	We agree providing universal civil preliminaries are implemented
Q70	We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.	We disagree
Q71	We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant. Do consultees agree?	We don't agree as this is not in line with an 'officiant based' wedding system.
Q72	<p>We provisionally propose that weddings on ships in international waters should be officiated by:</p> <p>(1) deck officers who have been authorised by the Registrar General as maritime officiants; and</p> <p>(2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants.</p> <p>Do consultees agree?</p> <p>We provisionally propose that maritime officiants should be subject to the same rules as we have provisionally proposed should apply to independent officiants.</p> <p>Do consultees agree?</p>	

	We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant. Do consultees agree?	
Q73	We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.	
Q74	We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible. Do consultees agree?	We believe there should be a fixed time limit but it could be an extended one.
CHAPTER 12 – FEES		
Q75	We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree?	We agree and they should be reviewed annually. Need to consider greater cost in rural areas compared to urban.
Q76	We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be: (1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or (2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.	1) We agree 2) We disagree There also needs to be consideration of a legal provision to take notice of the non-ill person away from the office.
Q77	We provisionally propose that it should continue to be possible for couples to have a	We agree providing it is cost recovery and reviewed annually. It might be prudent to consider widening the requirement beyond a

	civil wedding in a register office, for a fee prescribed by regulation. Do consultees agree?	'Register Office' and incorporating 'registration offices' as this assists equality of access to facilities in rural locations.
Q78	We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis. Do consultees agree?	We agree but on a full cost recovery basis..
Q79	We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree?	We agree but on full cost recovery basis
Q80	We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales. Do consultees agree?	We agree that an additional fee is required but wouldn't necessarily agree with it being a standardized hourly rate. The principle of charging a travelling fee will introduce complexities for the customer in terms of fees charged in large rural areas. Based on the status quo in Cornwall this could introduce 170 different fees for this one element. If we standardized the 'travel element' we would then be open to challenge by couples as it may not reflect the true travel element for their individual wedding. All costs need to reflect full cost recovery not just the direct costs.
Q81	We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony. Do consultees agree?	We disagree. If a fee is discretionary, why is there a need for it to be based on cost recovery?
Q82	We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the	We agree

	same fees as prescribed for the registration officer to officiate at any other wedding outside the register office. Do consultees agree?	
Q83	We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee.	The fee should be based on cost recovery – unless a grant from central government is made available to cover our costs.
Q84	We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree?	We agree but authority should be given to the superintendent registrar on behalf of GRO for authorizing local authority registration officers. We agree with a national set fee.

CHAPTER 13 – THE POTENTIAL IMPACT OF OUR PROPOSALS

Q85	We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.	We don't believe couples are prevented from getting married but we do believe the current law prevents couples from marrying in accordance with their wishes such as location and ceremony content.
Q86	We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings; (2) the costs of marrying on approved premises; (3) the costs of marrying in registered places of worship; (4) the costs of marrying in locations that are not authorised for weddings under the current law; and (5) the necessity and costs of a having a separate, legally recognised wedding.	<ol style="list-style-type: none"> 1) Availability of register office marriages is restricted to set days at set offices because the fee does not cover the full cost of the wedding. By restricting availability we are able to conduct a number of weddings consecutively in order to lessen the impact of the cost to the service. 2) We believe the cost of marrying on approved premises is case dependent and usually a relatively small part of the overall cost of a wedding at this type of premises. 3) –

	<p>13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:</p> <p>(1) the availability of register office weddings and any savings in relation to them;</p> <p>(2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and</p> <p>(3) the necessity of a separate, legally recognised wedding and any consequent savings.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>4) There is a need to arrange a legal wedding in addition to the non-legally recognized wedding.</p> <p>5) As above.</p> <p>1) It continues to provide choice for couples</p> <p>2) We believe that this option will not provide savings but will be more expensive – pre-visits will usually be required to undertake health and safety risk assessments, enquiries with planning departments, checking out compliance with fire requirements etc. Also the cost of undertaking this work is likely to attract VAT, making it more expensive for customers. It also introduces uncertainty for couples, including uncertainty of cost and greater confusion. There may also be a need to obtain public liability insurance.</p> <p>3) Currently the cost of having a separate legally recognized wedding is £46, so that would be a saving for a couple.</p>
Q87	<p>We invite consultees' views on the impact of the current law on venues, including in relation to:</p> <p>(1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, 40 including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and</p> <p>(2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance.</p> <p>13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:</p> <p>(1) hosting weddings without requiring Government pre-approval;</p> <p>(2) the availability of registration officers for civil weddings;</p> <p>(3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief</p>	<p>1) Current impacts include:</p> <ul style="list-style-type: none"> • Outdoor gazebos being adapted to form a 'room' or permanent structure • Planning permission for change of use • Lost business opportunity such as beach huts, boats etc. <p>2) Demand is currently met and cost is full cost recovery</p> <p>1) Officiant pre-approval is still required which should incorporate the same checks as required for licensing purposes – multiple visits from officiants in future envisaged and greater costs involved.</p> <p>2) We would question the need for registration officers to be available if the sector is open to other officiants. We would envisage that the future no. of registration officers is dependent upon business need – if the business need reduces then the future no. of Registration officers would reduce.</p> <p>3) We don't envisage any impact?</p>

	<p>organisations and independent officiants; and (4) the business opportunities arising from an increase in the number of weddings in England and Wales.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.</p>	<p>4) We don't believe there will be an increase in the number of weddings – just a redistribution.</p>
Q88	<p>We invite consultees' views on the impact of the current law on local authorities.</p> <p>We invite consultees' views on the potential benefits to local authorities of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>Current Law</p> <ul style="list-style-type: none"> • Many of the current fees are below full cost recovery. • The law in relation to 'register offices' does not recognize the impact on customers in large rural areas having to travel large distances to access a 'register office' wedding facilities. • Waivers cannot be issued on the same day. • 2 registrars are currently need for each wedding which leads to recruitment problems in large and rural popular wedding areas. <p>Proposals</p> <ul style="list-style-type: none"> • 1 registrar is welcomed • It is highly likely that income will be impacted detrimentally by the proposals – both through reduced weddings and loss of licensing income. • Increased amount of officer time will be required for ensuring that locations that are not pre-approved are suitable and safe and in accordance with requirements of other legislation. • Fee proposals do not appear to include full cost recovery. This is a serious concern to us. We do not believe that the local tax payer should subsidize other couples weddings.
Q89	<p>We invite consultees' views on the impact of the current law on:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married;</p>	

	<p>and (2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and (2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	
Q90	<p>We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.</p> <p>We invite consultees' views on the potential benefits to the United Kingdom ship register and the maritime industry of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	
Q91	<p>We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:</p> <p>(1) Government and local authorities; (2) businesses; (3) religious (and non-religious belief) organisations; (4) independent officiants; and / or (5) couples.</p>	<p>1)</p> <ul style="list-style-type: none"> • It is highly likely that income will be impacted detrimentally by the proposals – both through reduced weddings and loss of licensing income. • Increased amount of officer time will be required for ensuring that locations that are not pre-approved are suitable and safe and in accordance with requirements of other legislation. • Fee proposals do not appear to include full cost recovery. This is a serious concern to us. We do not believe that the local tax payer should subsidize other couples weddings.

From: [REDACTED]
To: [Weddings](#)
Subject: Wedding consultation
Date: 26 December 2020 22:44:47

Greetings.

With regard to the consultation I believe that the law around weddings in England and Wales should remain unchanged.

I address some of the points under consideration below:

Q20. I do not agree that registration officers should only be able to officiate at civil weddings.

This proposal could disallow some churches from holding a religious wedding ceremony because they cannot employ an authorised person familiar with all the legalities. They can do so at the moment because the civil registrar is able to register the marriage in the church without needing to resort to a separate civil ceremony.

Q26 The phrase "contrary to public policy or morality" is too vague. It would be better if more objective criteria were used such as if the organisation in question was promoting or supporting illegal activities etc.

Q29 I do not agree that independent officiants be authorised and included on the public list of officiants.

These independents might not have any training compared to the highly qualified registrars or religious representatives that currently conduct wedding ceremonies. This would have the effect of trivialising marriage vows and the entire ceremony.

Q42 I do not agree with the proposition.

The prescribed words used at present are an important declaration that the couple have considered at length and should be publically witnessed. Without this declaration there would be hardly any need at all for the wedding ceremony and marriage could be as simple as obtaining a certificate from the Government.

Q43 I disagree with the proposal.

Although the proposal suggests that the officiant has a duty to uphold the dignity and solemnity of marriage, there is no guarantee that they would do so and any penalty for not doing so likely to be trivial.

People can already perform a non-legally binding wedding ceremony which can take any form they wish without further undermining the dignity of marriage.

Q47 I disagree that the open doors requirement should be repealed.

I feel that it is important that the wedding ceremony be a public statement of a couples commitment to each other. The open doors requirement facilitates this and also guards against the possibility of forced marriages for example.

Q48 While there are advantages to being legally permitted to hold wedding ceremonies anywhere, there must be adequate safeguards in place to maintain the dignity of marriage.

The media often indulge in broadcasting wedding ceremonies in the most bizarre situations. This might be good for ratings but only displays

their contempt for this institution and undermines the solemnity of marriage.

I can state that the views expressed above are my own and not on behalf of any other institution.

Best regards,

A solid black rectangular box used to redact the signature of the sender.

From: [REDACTED]
Sent: 29 December 2020 12:03
To: Weddings
Subject: CONSULTATION

From [REDACTED]. E-mail address [REDACTED]
My response is as hereunder:-

Question 29

We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorized and included on the public list of officiants.
Do consultees agree?

No.

At present those allowed to conduct weddings are highly trained registrars or persons specially chosen by religious denominations. These, thus chosen, will hold marriage in very high esteem. Widening the circle of people who can conduct weddings (known as independent officiants) means that some conductors may be appointed who do not hold marriage in high regard. At present independent officiants conduct weddings that are not legally binding. These weddings have been under water, in a sadomasochist dungeon, and in a ruined leper hospital at Hallowe'en. These types of activity would be allowed if independent officiants are allowed. The value and sanctity of marriage would be destroyed.

QUESTION 42

The 'prescribed words' should be retained. They are the heart of the marriage agreement and to leave them out makes the marriage service of no effect. Expressing consent is vital and must be meaningful as the marriage should be for life. This consent must be legal and must be done in a manner that is recognized for ever. It must therefore be done in a form that is recorded, and that the recording can be read. Just verbal assent to marriage is not sufficient. The 'prescribed words' exactly define the contract that bride and groom are entering to. It confirms that there is no impediment to the marriage, that both are free to marry. If we allowed any style of marriage without the 'prescribed words', we would send the wrong message. We would be trivializing marriage and regard marriage as a mere private matter. When in fact it is not. It is the basic building block of society.

QUESTION 43

We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.

I do not agree.

It is very important that a legal wedding emphasizes the importance of the wedding vow commitments that the participants are entering into. It is a relationship for life. Personal preferences come second to this. The dignity and solemnity of the marriage must be upheld, and shown to be upheld. It is required that those conducting the wedding service ensure that the wedding do not undermine the dignity and solemnity of marriage. Thus the conduct of the wedding proceedings must not be subject to the conductor's whims and fancies, neither subject to the whims and fancies of the groom and bridegroom. Strange and outlandish behavior must be banned. If people are free to design and implement their marriage according to their own wishes, they could include pagan elements. This would not be right in a nominal Christian land. It would also give offence.

People are free to design and implement their wedding ceremonies as they please, but these ceremonies are not recognised by law as their design is not according to law.

Question 47

We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.
Do consultees agree?

No.

The wedding ceremony/service is both a public demonstration of the sanctity and of the personal ownership of marriage. The public are free to view it, but it is also personal and private to the bride and bridegroom.


It is also a great check against forced marriage.

Question 48

We provisionally propose that all weddings should be legally permitted to take place anywhere.
Do consultees agree?

No.

Removing restrictions leads to inappropriate venues being selected.
Safeguards would need to be adopted to ensure that unsuitable venues were not chosen. How would the requirement that venues must be 'dignified' and 'safe' be exactly defined so that everyone knows what is meant?
Venues must not degrade the solemnity of the wedding.
There would be great advantages if the system were changed to extend the range of venues where marriages can be performed
But already suitable venues can be licensed to hold weddings, and I do not know where licensing has been withheld for no for no good reason.
I see therefore see no reason why the law should be changed.'

Thank you,


From: [REDACTED]
Sent: 29 December 2020 15:49
To: Weddings
Subject: change of wedding laws

Dear Sir,

I am extremely concerned about the proposed changes to the wedding laws. I believe that an ‘anything goes’ attitude towards a wedding, whilst pleasing the couples involved, will devalue and trivialise the act of marriage. Marriage should not be dipped in and out of like a box of chocolates, where one does not suit the taste so another is tried. It should be a bond of loyalty for life and therefore should be treated with reverence and respect. The discussed changes make the joining of two people nothing more than a frivolous event that is similar to a party.

I am concerned about the consequent dangers politically, socially and nationally that could come about if these changes are implemented. There are in fact many areas of concern which relate to these considerations and I ask you sincerely to abandon the changes. They will I believe produce more trouble in the long run than blessing.

Sincerely yours,
[REDACTED]

From: [REDACTED]
Sent: 29 December 2020 14:50
To: Weddings

I would like to comment on the proposals regarding weddings. Firstly I understand that it is proposed that registration officers should only officiate at civil weddings. I disagree with this many churches need registrars to register a wedding as they have no authorised person to do it.

With the idea of appointing independent officiants, at the moment these are fully trained registrars or in ministry in a church, this would result in the serious nature of the marriage contract being diluted. It would also seem that opening marriage up in this way would only encourage commercialism.

The wording of the current marriage service is used as it emphasises the serious nature of the wedding ceremony and I don't think that a couple should decide the wording used, especially if different parts of different faiths are included which could cause offence to some.

I don't think the open door policy should be scrapped as this is a means of protection against forced marriages and bigamy.

With regard to weddings being held anywhere, I feel that this would lead to weddings taking place in inappropriate places and safeguards should be put in place.

I feel strongly that these proposals devalue the state of marriage which is a serious undertaking and should be treated with respect.

Yours faithfully

[REDACTED]

From: [REDACTED]
Sent: 29 December 2020 13:05
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

To whom it may concern,

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women [have to be asked if they are experiencing violence and abuse five](#) times before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.

Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.

There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.

Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

I therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Kind regards,

[REDACTED]

From: [REDACTED]
Sent: 29 December 2020 12:35
To: Weddings
Subject: Changes to the law on Weddings

We are writing on a personal basis in response to your consultation document about proposed changes to the wedding law. There are particular aspects of the proposed changes which we believe would be harmful to the institution of marriage and would be detrimental to the fabric of our society.

Before dealing with specific points we think it is important to stress that marriage has over centuries been the bedrock on which our society has been based and has developed. It is not of course perfect but it does give some order to society and in particular it provides a firm foundation for the upbringing of children. Some of the proposals being made trivialise marriage so that in some cases the whole matter becomes almost a joke. It is important to stress that marriage is a solemn affair at the time the commitment of the parties is confirmed. We would prefer that this was done as a religious ceremony but accept that we live in a multi cultural society and there needs to be a degree of flexibility. But this should not be allowed to detract from the significance of the promises that are made in a marriage ceremony.

Question 20.

We can see no reason whatsoever why registrars should be prevented from attending weddings in churches. We live in a Christian country and weddings in churches should not be discouraged. Many churches do not have an authorised person who can officiate. Why should they be penalised when weddings can be held with a registrar in quite outlandish places?

Question 26.

This proposal is unacceptable. The words "contrary to public policy or morality" is too subjective an assessment and is not capable of definition. In any event it can change over time. There should be objective criteria which can stand legal challenge. Why open such matters to dispute and legal challenge unnecessarily.

Question 29.

The proposal to introduce Independent Officiants again undermines the dignity of marriage. Once approved there is no check on the outlandish ways in which they may perform their duties or on the peculiar directions in which they may be led. This is unacceptable.

Question 42.

There should be no watering down of the formal wording of the marriage ceremony. The point is that promises and declarations are being made which are of importance to the future of the marriage relationship. Why is there a need to reduce the impact of what the parties are agreeing to?

Question 43.

Change here is equally unacceptable. Solemn promises need to be made and taken seriously. Again why trivialise the marriage ceremony. It should be treated with respect, if not reverence.

Question 47.

Marriages should always be open door. Why should there be any secret about what is going on. This has been a principle of our society for many centuries. Marriage should still be seen as important to society as a whole. At worst closed door ceremonies could encourage forced marriages or even bigamy.

Question 48.

Why is there a need to change the existing provisions which work for the vast majority of people. The suggestion that a marriage could take place in any venue again trivialises the ceremony. If a free for all is allowed we shall soon reach a situation where there is no dignity or respect in the matter. This will be to the detriment of a society as a whole and in particular to children who will be growing up in a society which knows no boundaries or rules when it comes to relationships.

In summary we are opposed to changes in the law which allow a further degeneration of the institution of marriage. These proposals are really suggesting that marriage is irrelevant in the 21st Century. We think it is especially important in providing some order and dignity in our society. So we would ask that these specific points which we have raised are not brought forward into law.

[REDACTED]

From: [REDACTED]
Sent: 29 December 2020 20:01
To: Weddings
Subject: Weddings law

Dear Sirs,

Please consider my few thoughts:

- Q 26 Public policy: the views of traditional thinkers should be regarded as equally important as modern thinkers. There seems a tendency to favour the latter as reflecting ‘public policy’
- Q 42 Expressed consent: retaining prescribed words retains the dignity of marriage
- Q 43 Form and ceremony: retaining registered places retains dignity of marriage
- Q 47 Public access: retaining open doors strengthens transparency
- Q 48 Venues: as 43, I think the dignity of marriage should be upheld, so don’t agree on allowing weddings taking place in weird places

Yours faithfully

[REDACTED]

From: [REDACTED]
Sent: 30 December 2020 11:00
To: Weddings
Subject: Law Commission's consultation on weddings.

I appreciate that your text indicates your preference for a response on your 'form', but I'm not computer-literate enough to do that. So an e-mail has to do.

I appreciate that the Law Commission is consulting on plans for weddings but it seems to me the plans would profoundly undermine the seriousness of the marriage ceremony and by implication, the seriousness of marriage.

If adopted, the Plans would seem to introduce and encourage a frivolity to the ceremony, even 'designer weddings'. A couple would be able to get married wherever they want, as long as an officiant (under pressure?) agrees it is "safe and dignified". It seems to me that this vague standard could even be satisfied - as the consultation suggests - by a ceremony taking place "in the air", or indeed on a mountain top, on a bus - or anywhere. This approach might thus be encouraging a casual regard to the dignity and solemnity of marriage; under the new plans it seems almost any venues and ceremony words can be used.

If, as it seems, the Commission also wants to remove legally prescribed words parties are currently required to say, thereby declaring they are free and willing to marry, the couple will be free to use any words they choose, or none at all. It would apparently even be possible to be married without even having to attend your own wedding ceremony! What does that do to the meaning of marriage and the seriousness - gravity even - of the occasion? A ceremony can be taken seriously and also be a very happy occasion without introduction of flippancy or indeed, any measure leading to a lowering of commitment.

The current rules on wedding services are not restrictions on choice but rather they preserve the value of the commitment being made. Marriage is traditionally between a man and a woman - for life. It should therefore be entered into seriously and not with a background agenda of easy in, easy out. The proposals imply an undermining of the marriage commitment. In this nation, we have recently seen the downgrading of the seriousness of marriage, and the current proposals are yet another attack on this precious institution. If marriage and family are the bedrocks of a healthy society, why keep eating away at it, rather than strengthen and encourage it? Is there anything left to encourage folks to get married? I'm surrounded by unmarried people living together. Only some financial hardships remain if they break up and were not legally joined. Let there be legislation that encourages a life-long commitment and a marriage ceremony that encourages that preparation and approach.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: 29 December 2020 17:21
To: Weddings
Subject: WEDDINGS

TO WHOM IT MAY CONCERN

I am writing to you because I am very concerned about this subject. Why on earth does the Law Commission consider it necessary to change our present way of life in the matter of holy matrimony? I understand it has been pointed out to you by many Christians that there is great danger in removing restrictions that are God given which have prevailed happily for centuries. Your interference opens the door to more misery in resulting broken homes where the most vulnerable suffer – children. Can you not see this? Breakdown of family life is at the heart of all that is going wrong in our nation which once was a truly Christian country. Marriage is being trivialised to the extent that it is bringing misery on a monumental scale. Hasn't the Law Commission enough work which is its proper remit and for which it is paid rather than destroying something that has been ordained by God? Continuing to ignore Christianity and bring it into disrepute will bring disaster on the Law Commission. Be warned. Our God is not mocked.

[REDACTED]

But the danger is that removing the restrictions opens the door to inappropriate venues being used. Express serious concern that it is unclear what safeguards will prevent unsuitable venues being used. How will the dignity of such ceremonies be guaranteed? The consultation states that venues would need to be 'dignified' and 'safe', but lacks precision on what this means or how it will be tested. Venues must not detract from the solemn occasion of the wedding. The Law Commission has made it clear it sees no objection to weddings "in the air", suggesting that the terms 'dignified' and 'safe' could be interpreted very broadly. Unofficial weddings have been conducted underwater, in a sadomasochism dungeon, at a comic book convention with a couple dressed as fictional characters, and at a ruined leper hospital on Hallowe'en.⁵ Such settings clearly trivialise marriage. The law must not allow such venues to host legally binding ceremonies.

From: [REDACTED]
Sent: 29 December 2020 16:48
To: Weddings
Subject: changing the law concerning weddings

Dear Sir

Thank you for the opportunity to comment on the Law Commission's plans for changing the law on weddings.

I strongly oppose the suggested changes. My own wedding was at a church that was not registered for marriage. We contacted the local registrar and there was no difficulty at all: an official was sent from the Register Office to hear our vows and to have us sign the necessary paperwork. The system was explained to us beforehand and we were aware of the promises we would make and the meaning of the words. He was courteous, friendly, and very helpful. He in no way interfered with our beautiful wedding ceremony with its psalms, hymns and celebration of the Eucharist but was discreet and thoughtful. Everything was made easy and pleasant. There is no need whatever to change the law if a place of worship is not registered for marriages. Britain has coped with this tactfully and sensibly for almost two hundred years since civil registration of marriages first began.

Giving status to a self-appointed group to appoint some one as a "wedding celebrant" has the potential for great cruelty and injustice, and this will be especially the case if in addition the promises made are invented by the group or by one or more of the participants. Marriage under the law must be something that is clearly understood, and the promises freely exchanged as part of the law. With the invention of anything else, vulnerable parties involved will be open to abuse, and could be effectively chivvied into a relationship they do not fully understand. The vows must remain as they are, and should be carefully explained by the civil registrar - my own experience of this was a brief but helpful conversation with a formula easily understood.

It is cruel to try to change the law so that any group of people can claim to be an organisation worthy of inventing its own marriage system. In the USA, when the Mormons effectively ran their own system, much injustice resulted as a woman could discover that, without her consent, her husband had acquired other wives who believed themselves also validly married to her husband. It was necessary to ban this system and ensure one legal form of marriage that all could recognise. There is no need for Britain to go this experience: our law works for us all.

It would be wrong for marriages to be allowed to take place at anywhere that is deemed suitable. This devalues marriage and places it on a par with other celebrations such as a birthday.

There is no need to change the present system for registering and witnessing marriages.

Please acknowledge this letter and keep me informed of any further developments.

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 30 December 2020 11:01
To: Weddings
Subject: Response to Law Commission's Consultation on Weddings Law

Dear Sirs

I am responding as an individual to your proposals for a change in this law .

No registrars in church weddings (Question 20)

My response is **No**.

One of the Law Commission's goals is that "the ceremony that is meaningful to the couple should be recognised by law". This can happen at the moment in churches that do not have an authorised person, by having a civil registrar to register the marriage. If this is not possible, many couples who attend such churches are likely to require a civil ceremony separate to their church wedding. This could lead to added complications in the arrangements. There is also a danger that it could become a mechanism for penalising moral views that contradict prevailing opinion, which changes over time. Popular culture is increasingly at odds with faithful biblical teaching on marriage, sexual ethics and identity.

Independent officiants (Question 29)

My response is **No**

A recent study found that most independent celebrants would give couples very little restriction in what they could include in their ceremony – even where the content "clashed with their personal religion, beliefs or values". This sets the bar extremely low for the seriousness of the wedding. Currently there is no financial incentive to officiate a wedding. Opening up a market for independent officiants makes wedding vows a commercial concern. Those more willing to be flexible with the ceremony would be likely to profit the most, encouraging people to push the boundaries.

Abolishing prescribed words (Question 42)

My response is **No**

The prescribed words form a foundation for the declarations that are required for a marriage. Without them the wedding ceremony can be as meaningless as a couple or officiant chooses, and legal marriage can become nothing more than a certificate from the Government. Marriage is founded on solemn promises made between two parties. Under these proposals it would be possible to have a legally recognised wedding in which no words were said between the couple, let alone promises of any kind. The commitment made in marriage must be taken very seriously, and without the prescribed words it is much easier to treat the ceremony casually.

Full customisation of wedding ceremonies (Question 43)

My response is **No**

It is far more important that a legal wedding ceremony reflects the seriousness of the commitment the parties are making than that it is personalised to the couple. The possibility of fully-tailored wedding ceremonies will encourage commercialisation. Those more willing to be flexible with the ceremony would be likely to profit the most, encouraging people to push the boundaries.

Scrapping 'open doors' (Question 47)

My response is **No**

The 'open doors' requirement is a valuable part of wedding day celebrations, making it clear that marriage is not a private affair, but rather is important to society as a whole. The opposite is also important; weddings which are not publicly accessible make a statement that the marriage is private and of interest only to the couple. This couldn't be further from the truth. Ensuring that weddings are open to any member of the public, rather than just those invited, is a way of protecting against forced marriage and bigamy, for example.

No restrictions on venues (Question 48)

My response is **No**

The danger is that removing the restrictions opens the door to inappropriate venues being used. I am concerned that it is unclear what safeguards will prevent unsuitable venues being used. How will the dignity of such ceremonies be guaranteed? The consultation states that venues would need to be 'dignified' and 'safe', but lacks detail on what this means or how it will be tested. Venues must not detract from the solemn occasion of the wedding. The Law Commission has made it clear it sees no objection to weddings "in the air", suggesting that the terms 'dignified' and 'safe' could be interpreted very broadly. Unofficial weddings have been conducted underwater, in a sadomasochistic dungeon, at a comic book convention with a couple dressed as fictional characters, and at a ruined leper hospital on Hallowe'en. Such settings clearly trivialise marriage. The law must not allow such venues to host legally binding ceremonies.

I hope you will give due attention to my responses.

Yours sincerely

[Redacted Signature]

From: [REDACTED]
Sent: 30 December 2020 12:48
To: Weddings
Subject: Law Commission Consultation on weddings

Please note that I am responding in my capacity as an individual.

In general my concern is that the proposed changes run the risk of trivialising marriage, an institution that has been the bedrock of human societies for centuries. Whilst I adhere to the Christian understanding of what marriage represents as expressed in the Bible, I also acknowledge that other faith traditions, whilst not sharing this Christian theological understanding, hold marriage in high esteem as an institution, and would subscribe to at least some of the same misgivings as I have over the proposed changes.

I give below my responses to a very limited selection of the questions contained in the consultation document:

Q.26 Threat to unpopular beliefs

The basis of the assessment – “contrary to public policy or morality” – is too subjective. It could conceivably exclude as nominators those who hold views which are unpopular but perfectly legal.

Q.29 Independent officiant

I do not support this proposal.

This is an area where the trivialisation of marriage is put at considerable risk, because the authorisation of independent officiants could allow people to act as celebrants who are either not as highly trained as are current registrars, or are people who are less likely to have strongly-held beliefs on marriage compared with religious representatives. I have been made aware of instances where independent officiants have conducted non-legally binding weddings underwater, in a sadomasochism dungeon, and at a ceremony where the couple was dressed as hedgehogs. Ceremonies such as these being made legally binding would only serve further to reduce the dignity of marriage within society. This undermining of dignity could receive further regrettable strengthening due to there being evidence that independent officiants would offer couples very little restriction as to what they could include in their ceremony, even to the extent that such content might clash with the celebrant’s own values or beliefs.

Q. 42 Abolishing prescribed words

I do not support this proposal.

The currently prescribed words form a foundation for the declarations that are required for a marriage.

To do away with them would be to make the ceremony as meaningless as the couple or celebrant chooses.

The abolition of this requirement could lead to the ultimate meaningless ceremony where the couple neither exchange any words at all, nor make any promises to each other.

Q. 47 Scrapping ‘open doors’.

I do not support this proposal.

The currently public nature of wedding day celebrations serves to underline the importance of such occasions within society as a whole. This accords well with the growing sense of community that has been engendered in recent months because of the pandemic, the sense that “we are all in this together”. This latter expression of corporate identity is a healthy antidote to the spirit of individualism that has come to characterize much of society in recent decades. The proposals in this consultation will surely lead to the further erosion of that sense of community to which we are encouraged to subscribe.

Thank you for your attention to my submission.

[REDACTED]

From: [REDACTED]
Sent: 30 December 2020 11:56
To: Weddings
Subject: Assessment of marriage.

Respected Law Commission, with thanks for your IT 'Comprehensive assessment of marriage'.
I write as a 95 year old, born in Angola of missionary parents. My father, from 1895 was involved in ending the slave trade. (My competant carer had been rescued as a slave.) He did much to propagate the value of social stability through establishing life commitment of single men and women to lifetime of one to one. Women's state changed dramatically to being the single partner for life of one man. Men no longer were bound to more than one woman.
Thanks be to our Creator, our Father in Heaven for your influence,
Sincerely,
[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Weddings a most important event
Date: 31 December 2020 09:28:17

Dear Sirs,

We must not change the laws in the important event of marriage. It is the most important event in a persons life! It should be carried out in a serious and dignified manner with a Registrar (in a Register Office) or Pastor in a Church – otherwise we will end up having anybody taking the ceremony! This is a very serious event and should be taken so in reverence!

Yours sincerely,

[REDACTED]

Sent from [REDACTED] for Windows 10

From: [REDACTED]

I have become aware recently of this consultation, and although I haven't read the extensive document, I've been alerted to certain questions that seem of particular concern, and it is to those I refer. This is my personal response.

Question 20. We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?

NO. From an 'equality' perspective, civil and religious weddings should be treated exactly the same. I married in a non-Anglican church, and appreciated the seriousness the registrar added to the occasion.

Question 26. We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.

NO. Definitely not! Religious marriage has been the bastion of secure family life for thousands of years and insecure, vague and transient opinions of what constitutes "public policy or morality" jeopardises this.

Question 29. We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?

NO. It would become possible for oversight by those who are not sympathetic to the seriousness of marriage to devalue the occasion. There have been bizarre "marriages", which trivialise sincere commitment.

Question 42. We provisionally propose that: (1) during every wedding ceremony, the parties: (a) should be required to express their consent to be married to each other, whether orally or otherwise, but (b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries); (2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs; (3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and (4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document). Do consultees agree?

NO. Marriage is a serious commitment - without some sort of agreed statement valid across all settings it loses any relevance. We wrote our own marriage service, but the "prescribed words" gave it authenticity.

Question 43. We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant. Do consultees agree?

NO. Bizarre, or even offensive, "personalisation" would trivialise commitment, and could get hi-jacked by commercialism always "pushing the boundaries" of acceptability. Solemnity must not be diminished.

Question 47. We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?

NO. Public accessibility must always be available for people to contest bigamy, forced marriages or underhand deception. 'Private' marriages would demean the institution's standing, and universal value.

Question 48. We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?

NO. There is a seriousness about marriage that would be belittled by inappropriate surroundings. Registered venues guard against this, and ensure safety and suitability to an acceptable common standard.

From: [REDACTED]
Sent: 31 December 2020 15:17
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women [have to be asked if they are experiencing violence and abuse five times](#) before they seek help.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.

Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.

There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.

Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

[REDACTED]



About The Salvation Army

The Salvation Army's primary identity is a Christian church, inspired and guided by our faith in Jesus Christ. We seek to live out that faith in every aspect of life with a particular concern for people who are poor and marginalised. The Army was founded by William and Catherine Booth in 1865 in the East End of London. The Booths were formerly Methodists. Salvation Army doctrine and practice continues to be indebted to the Wesleys and Methodism.

The International Headquarters of The Salvation Army is in the City of London. The current international leader is General Brian Peddle. The Salvation Army International Trustee Company is the charity covering international work. We currently operate in 130 countries with 1.8 million members, 112,000 employees and in 2018 assisted more than 28 million people.

The Salvation Army's work in the United Kingdom provides a wide range of services in the United Kingdom, including homelessness support, employability services, debt advice, ten older peoples' care homes and a series of services run by our local 650+ churches (corps), including the provision of food banks. We hold the victim care contract in England and Wales for individuals who have been trafficked into the United Kingdom on behalf of the Home Office. Our network of safe houses for victims of modern slavery has supported over 8,000 individuals since 2011. We have 80 accommodation-based services for people who have experienced rough sleeping across the country. We support the emergency services at major incidents and have been busy throughout the pandemic.

At the heart of Salvation Army life are a community of Christians who call The Salvation Army their church. These people - Salvationists - make covenant with God in various aspects of life. Marriage is one of these covenants. So we urge the Commission to reconsider its approach and retain the current prohibition on civil marriages including any religious content or element in their ceremonies.

The Salvation Army and Marriage

The Salvation Army recognises that there are some reasonable grounds for law reform given the changing nature of society since the 1949 Marriages Act. However there also issues of principle here and ones that involve balancing the interests of faith organisations and communities against more secularly based concepts of individual choice. The Army believes that it is important to respect the integrity of Christian marriage. The Salvation Army recognises that the legal definition and application of marriage in 21st century UK society is not distinctively Christian. However, the law needs to respect and not undermine Christian marriage.

The current law has two separate approaches to solemnising a marriage - religious and civil. Christian marriage involves a couple making promises before God in a setting where the celebrant's faith means that the marriage vows that they ask the couple to recite are borne of personal belief. Currently, the

law respects these promises and recognises they fulfil the civil law requirements for a state recognised marriage.

A civil ceremony is where a marriage is legally recognised by the state and does not include religious content.

The Salvation Army believes that attempting to blur the distinction between these two frameworks risks eroding the integrity of religious based marriages. For us, our teachings around marriage means that we do not believe that this can simply be a matter of consumer choice where individuals select elements from religious services without making an underlying commitment to the disciplines and teachings related to Christian marriage. The fact that The Salvation Army see Christian marriage as involving making promises before God is the reason why The Salvation Army is opposed to introducing religious content within the framework of a civil ceremony. We see marriage as the bedrock of a stable society and is a gift from God. Salvationists believe that in the marriage service a couple publicly affirm their commitment to each other and confirm their joint dedication to God's service. A civil ceremony therefore is an inadequate understanding compared to a rich theological understanding of the covenant of marriage.

The Theological Foundations of Marriage

In this context we wish to highlight passages of scripture - by creating man and women to complement each other, God also intended marriage to be unique and exclusive as explained in Genesis 2:20-25: 'A man will leave his father and mother and be united to his wife, and they will become one flesh.' This union of man and woman in marriage is intended to be a basic building block of society.

Christians believe marriage was created by God before the fall (Genesis 1-3). Marriage is God's 'gracious gift to all humanity'ⁱ wrote the respected author, Queen's Chaplain, Reverend John Stott who was Rector at All Souls Church, central London. Stott never married but understood that marriage is more than a contract - it is a covenant between the couple, a voluntary union for life, of one man and one woman, to the exclusion of all others. The promises are made in the sight of God and God's people. Therefore, there is a three-way accountability for every couple making the Christian covenant of marriage - between themselves, with God and with the community of God's people (their church or corps). Throughout the Old Testament, the relationship of husband and wife is raised to a level of high regard as it becomes a symbol of the covenantal relationship between God and Israel (see Isaiah 54; Jeremiah 2; Ezekiel 16; Hosea 1-3; and Malachi 2:15-16). This covenantal relationship between God and God's people emphasises qualities that are important to marriage: exclusive commitment, steadfast love, faithfulness and trustworthiness.

Our response to the consultation focuses on the following areas:

- The interview stage in the wedding preliminaries
- The proposal to allow religious content in civil ceremonies
- The criteria determining whether religious organisations are given accredited status to nominate officiates
- Allowing religious organisations to prevent civil ceremonies taking place on their premises.

Response to Consultation Questions

Question 7

The Salvation Army is opposed in principle to any interviews between the registration officer and a couple to be held online.

The Forced Marriages Unit is right to emphasise the importance of interviews with a betrothed couple as a way of detecting forced marriages. As the document itself acknowledges interviews by video conference mean that there is not assurance that the couple are alone and cannot be overheard. This alone makes the proposal to allow remote interviews both unsatisfactory and potentially dangerous. The

notion that if registration officers have concerns then they can insist on a face to face interview ignores the fact that some signs of coercion might only be evident when a couple are physically present in front of the officer.

Question 25

The Salvation Army agrees with the criteria that would be used to determine whether religious organisations can nominate officiates. However, we request clarification from the Law Commission that the 20-member criterion applies at national, rather than local level. We also feel that the list of criteria in 5.102 of the consultation document needs further refinement. Clause (2) of the enumerated criteria is too subjective as a means of assessing whether a religious organisation is valid and not harmful. We believe that some language should be introduced to allow an assessment of whether an organisation has a consistent record of engendering psychological harm to its adherents, including coercive control.

Question 30

The Salvation Army agrees that religious organisations should be allowed to determine who they put forward as ‘fit and proper person’ to conduct weddings. We would seek clarification about whether organisations are required to do this at a regional or national level.

Question 43

The Salvation Army believes it is of paramount importance that officiants agree with the content of the wedding ceremony. This is important because as a religious belief organisation we wish to have the final say on the content of the ceremonies that are conducted by Salvation Army officers or held on our premises.. So we would reject any notion that the couple can have the decisive say in the content of religious ceremonies. As section 6.52 of the consultation recognises the Church of Scotland currently has the ability to determine whether the form of service satisfies its religious requirements. The Army believes the content of ceremonies conducted by the Christian churches should not be a matter of consumer choice.

Question 45

While we recognise the Commission’s intentions to allow couples from different religious backgrounds to be able to have wedding services that draw on both their traditions, The Salvation Army is opposed to blurring the distinction between civil marriage ceremonies and religious weddings. We believe that religious content should not be introduced into civil ceremonies. Section 6.90 of the consultation document acknowledges the level of concern among some stakeholders to this proposal. We contest the argument put forward in 6.38 that the preferences of many couples should be allowed to change the boundaries of civil and religious ceremonies. 6.82 argues that some people are neither atheists or adherents and that this proposal is responsive to them. However, this argument does not take into account the sensibilities of people who are committed Christians and for whom the wedding ceremony sits within the framework of Christian teaching. For The Salvation Army Christian marriage cannot simply be detached and treated as a component in a civil ceremony.

Question 48

In relation to section 7.1.58 We do not believe that weddings should be permitted to take place anywhere. The Salvation Army believes that couples should not be allowed to have a civil ceremony taking place in Army buildings. We believe that religious organisations should have the right to refuse access to their premises.

Please contact me if we can provide more information or clarification

[REDACTED]
[REDACTED]

The Salvation Army
United Kingdom Territory with the Republic of Ireland

ⁱ Stott, 1990, 285.

From: [REDACTED]
To: [Weddings](#)
Subject: Consultation
Date: 31 December 2020 14:31:11

Mandate routine enquiry about domestic abuse at wedding registration

Reviewing weddings legislation offers an excellent opportunity to improve the safeguards in place to support women to leave abusive relationships. If weddings are to keep pace with modern life, they must also keep pace with modern views of relationships, and a key part of that is sending a clear message that violence and abusive behaviour are never acceptable. We ask that the commission include a question about domestic abuse in the preliminary 1-1 interview for weddings.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. Survivors, both partners and children who witness the abuse often, suffer long-term trauma.

*Asking about domestic violence in statutory settings is formally known as Routine Enquiry. However, studies suggest that on average women **have to be asked if they are experiencing violence and abuse five times** before they seek help.*

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is a rare moment when officials can ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

- It's important to acknowledge that domestic abuse is not an acceptable part of a relationship ahead of marriage. Currently only forced marriage and bigamy are asked about in the preliminary interview.*
- Other personal questions are being asked, and the couple's relationship is being discussed so the question is not out of place.*
- There are already mechanisms and training in place which could be expanded to provide support for safeguarding and signposting to appropriate services if domestic abuse is disclosed.*
- Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.*

Asking about domestic violence at the point of registration will not only help women at the time of the enquiry, but also increase the confidence of women to report in the future.

Routine enquiry is an important tool to prevent and address domestic abuse. Every woman who goes through the registration process should be asked whether or not she is experiencing domestic abuse and informed about her choices. If she discloses domestic abuse she should be referred to a specialist independent service who can support whichever steps she chooses. At all stages interventions should be led by the choices of the individual experiencing abuse. Early intervention on domestic violence has been shown to be effective and to save lives.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. As well as offering support to survivors it will send a clear message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.



From: [REDACTED]
Sent: 31 December 2020 16:28
To: Weddings
Subject: Mandate routine enquiry about domestic abuse at wedding registration

Mandate routine enquiry about domestic abuse at wedding registration

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We therefore request that the Marriage Act 1949 be changed to mandate a question about domestic abuse in the registration process for marriages and civil partnerships.

Many thanks,

[REDACTED]

From: [REDACTED]
Sent: 31 December 2020 17:46
To: Weddings
Subject: Law Commission Consultation On Weddings Law

Dear Law Commissioners,

I write as a private individual.

You will doubtless agree that stable marriages are the bedrock of society, and broken marriages and divorces are a drain on society, especially where children, the adults of tomorrow, are affected. Marriage is an extremely serious business, and both bride and groom must be prepared for the commitment, self-sacrifice and hard work that is needed to make a marriage work. Romantic ideas and unrealistic expectations of each other and about what married life is all about are very unhelpful. For a wedding ceremony to be fit for purpose it must stress the seriousness of the commitment the bride and groom are entering into. Frivolity in a wedding ceremony is very unhelpful.

If proposed legislation is to use the words "a safe and dignified location", it needs to spell out what is safe and dignified" and what is not, so as to reflect what I say above.

There must also be safeguards around the content of the ceremony and therefore the prescribed words used in wedding ceremonies should be retained.

Turning now to some of the consultation questions:

(Question 20) - We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?

NO. The existing arrangement for registrars to oversee church / chapel weddings where there is no 'Authorised Person' is important. Otherwise it may become necessary for couples to have separate church / chapel weddings and civil marriages, which should not be necessary. Incidentally, Registrars **must** be free to refuse to register so-called 'same sex marriages' which are an abomination in the sight of Almighty God. The MP for Lewisham East, Janet Jessica Daby MP, was right to say that and wrong to retract it.

I quote from Wikipedia: "Daby ... was given her first shadow ministerial post on 9 April 2020 by Labour Party leader [Keir Starmer](#) as [Shadow Minister for Faiths](#). She resigned from this post on 7 December 2020 after she suggested registrars who have a religious objection to same-sex marriage should be protected from losing their jobs if they refuse to certify the partnership: an action which would be unlawful discrimination." **No, the registrar who rightly holds that so-called 'same sex marriage' is an abomination in the sight of Almighty God, and is prevented, by reason of holding the Truth, from following his or her vocation, is the one being wrongly discriminated against.** "She (Daby) later apologised for her remarks." **It was very wrong of her to apologise for saying what was right.**

Around half of places of worship registered for weddings do not have a person authorised to conduct weddings. Many of these will be churches, who are able to conduct weddings at the moment but will not be able to under the proposals, unless they appoint an authorised person. This idea poses a danger of some churches falling foul of weddings law, as they are required to take responsibility for unfamiliar legalities in order to hold a religious wedding ceremony.

(Question 26) - We Invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.

NO. This proposal sounds reasonable, but there is a danger that it could become a mechanism for penalising moral views that contradict prevailing opinion, which changes over time. Popular culture is increasingly at odds with faithful biblical teaching on marriage, sexual ethics and identity.

Where human ideas about "public policy or morality" contradict or conflict with the Holy Word of God our Creator, before Whose judgment seat we must all appear, the Holy Word of God **MUST** prevail, and any proposed legislation **must** make that clear.

"Contrary to public policy or morality" is too subjective an assessment. It would risk those with unpopular but entirely legal views being excluded from nominating officiants.

The test of what is "Contrary to public policy or morality", if such a test must be introduced, should focus on objective criteria. These could include promoting purposes that are illegal or support illegal activity (such as terrorism), that advocate the violent overthrow of democracy, or that undermine the rule of law.

(Question 29) - We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants. Do consultees agree?

NO. Only civil registrars and religious officiants are able to officiate at legally valid marriage ceremonies at the moment. This question proposes a mechanism for 'independent officiants' to be able to perform legal wedding ceremonies. The consultation

paper says that the Law Commission is not asking about whether independent officiants should be allowed, just how it might work if they were allowed. However, I take the opportunity to raise concerns about independent officiants.

Currently, wedding officiants are either highly trained registrars or religious representatives who are likely to have strongly-held beliefs on marriage. Allowing independent officiants would open the door to those who may not place such a high value on marriage.

Independent officiants (known as ‘celebrants’) can currently conduct weddings that are not legally binding. These have included ceremonies underwater, in a sadomasochism dungeon, at a comic book convention with a couple dressed as fictional characters, and at a ruined leper hospital on Hallowe’en. Another involved a couple dressed as hedgehogs. Such ceremonies could become legally binding if independent officiants were allowed, undermining the dignity of marriage.

One reason couples might choose independent officiants is because they have been refused the religious ceremony of their choice. This might happen where a couple’s beliefs or behaviour are not consistent with the religion they choose for the wedding. Having an independent officiant conduct a pseudo-religious ceremony could misrepresent the religious group’s position on, for example, same-sex marriage. Or there might be beliefs from more than one religion brought into a single ceremony, giving a distorted picture of all the faiths involved.

Currently there is no financial incentive to officiate a wedding. Opening up a market for independent officiants, makes wedding vows a commercial concern. Those more willing to be flexible with the ceremony would be likely to profit the most, encouraging people to push the boundaries. This also risks defeating the goal of reducing costs of wedding venues, which was one of the stated aims the Government gave the Law Commission in 2018.

A recent study found that most independent celebrants would give couples very little restriction in what they could include in their ceremony—even where the content “clashed with their personal religion, beliefs or values”. This sets the bar extremely low for the seriousness of the wedding, and it is unclear what safeguards or training would be in place.

(Question 42) - We provisionally propose that:

(1) during every wedding ceremony, the parties:

(a) should be required to express their consent to be married to each other, whether orally or otherwise, but

(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);

(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;

(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and

(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).

Do consultees agree?

NO - QUESTION 42 proposes removing the ‘prescribed words’ and just requiring an expression of consent “whether orally or otherwise”. This could be by simply signing a statement of consent, and one of the parties could do this even if they were not at the wedding ceremony.

The Marriage Act 1949 sets out specific language that must be used by the couple to declare that they are free to marry and to express their consent to do so. These short phrases are known as the “prescribed words”. Question 42 proposes removing prescribed words and instead requiring only the expression of consent “whether orally or otherwise”. The prescribed words form a foundation for the declarations that are required for a marriage. Without them the wedding ceremony can be as meaningless as a couple or officiant chooses, and legal marriage can become nothing more than a certificate from the Government.

It should not be possible for someone to get married without being present at the wedding ceremony. Simply signing the marriage schedule is inadequate. Couples would be able to say anything they like or nothing at all. This is a major departure from the public declarations always considered foundational to the legal marriage ceremony. This risks undermining the solemnity of the wedding ceremony and denying the seriousness of the commitment being made.

The prescribed words are only a small part of the entire wedding ceremony. The rules are already extremely flexible about what happens in the rest of the ceremony. It is hard to imagine a genuine wedding in which the prescribed words could not be included at some stage. The prescribed words are minimal and couples can add to them in all sorts of ways. It is not very much to ask that some specific phrases are used to show that both people freely consent to the lifetime commitment they are entering into.

The idea that a couple should be able to completely personalise their ceremony comes from a wrong view of marriage. Allowing wholly personalised wedding ceremonies without any legally-required words would send the message that marriage is an entirely private matter. A wedding is not just about the couple. The couple enter into a union which is understood by society and has been legally defined. Society and the law therefore have an interest in the making of a public declaration. The logic of a wholly self-defined marriage ceremony is for marriage to be decoupled from the law and wider society. Marriage would become an entirely private matter, rather like a personal hobby.

Marriage is founded on solemn promises made between two parties. Under these proposals it would be possible to have a legally recognised wedding in which no words were said between the couple, let alone promises of any kind. The commitment made in marriage must be taken very seriously, and without the prescribed words it is much easier to treat the ceremony casually.

(Question 43) - We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant. Do consultees agree?

NO. Parliament must not undermine the seriousness and solemnity of a marriage ceremony. A particular ceremony should not just be allowed because the couple wants it, but because it is appropriate for such a significant event. The consultation puts great emphasis on ceremonies being ‘meaningfully personalised’ and in accordance with the parties’ wishes. This will inevitably reduce how seriously weddings are taken, even though the Law Commission suggests officiants should have a duty to uphold the dignity and solemnity of marriage (a concept which is doubtless open to undesirable creative interpretations). It is far more important that a legal wedding ceremony reflects the seriousness of the commitment the parties are making than that it is personalised to the couple.

QUESTION 43 proposes that all weddings can take whatever form and ceremony the parties choose, if an officiant agrees.

The idea that a couple should be able to choose everything about a wedding ceremony comes from a wrong view of marriage. A wedding is a public declaration in which society and the state have an interest.

Unofficial Non-legally binding wedding ceremonies can already be as personalised as people want. As already stated, these have included ceremonies underwater, in a sadomasochism dungeon, at a comic book convention with a couple dressed as fictional characters, and at a ruined leper hospital on Hallowe’en. Wedding ceremonies have included themes such as Alice in Wonderland, James Bond, Lord of the Rings, Game of Thrones, Marvel comics, Beauty and the Beast, Harry Potter, Star Wars and Flash Gordon. One had a ‘Woodland Fairy themed ceremony with ponies dressed as unicorns’ while another couple dressed as hedgehogs. These cannot have reflected how seriously marriage should be taken. Personalisation will undermine the dignity of the wedding ceremony.

A requirement for officiants to ensure that the ceremony does not undermine the dignity and solemnity of marriage, is too subjective. It will not prevent couples finding an officiant to agree to even the most outlandish wishes.

The possibility of fully-tailored wedding ceremonies will encourage commercialisation. Those officiants more willing to be flexible with the ceremony would be likely to profit the most, encouraging people to push the boundaries.

If people can entirely customise their own weddings, they might blend together different elements from faith ceremonies inappropriately, effectively making a parody of those ceremonies. This could be highly offensive to people of those faiths.

(Question 47) - We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?

NO. The open doors requirement was introduced hundreds of years ago as a protection against forced marriage. Ensuring that weddings are open to any member of the public, rather than just those invited, is a way of protecting against forced marriage and bigamy, for example. These are still problems in our society.

QUESTION 47 proposes removing the requirement for weddings to take place with “open doors” (public access). The “open doors” requirement helps convey the public nature of wedding declarations.

The ‘open doors’ requirement is a valuable part of wedding day celebrations, making it clear that marriage is not a private affair, but rather is important to society as a whole. Removing the open doors requirement would encourage a false perception that marriage is a private matter without any public significance.

Weddings which are not publicly accessible make a statement that the marriage is private and of interest only to the couple. This couldn’t be further from the truth.

Although many couples choose to celebrate their wedding reception with selected friends and family, wedding vows have long been accessible to the entire community through the requirement that wedding ceremonies have ‘open doors’.

(Question 48) - We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?

NO, unless there are sufficient safeguards against inappropriate venues being used. The current law only recognises weddings in

buildings registered for the purpose. Question 48 and the related questions propose a system by which weddings can take place in any venue considered “dignified and safe”.

There are clear advantages to changing the system to allow a wider variety of venues being allowed for wedding ceremonies, but this should not legitimise weddings in inappropriate settings. Many churches that do not own their own premises, but worship in shared buildings like community centres or schools, cannot currently hold weddings in those venues. But the danger is that removing the restrictions opens the door to inappropriate venues being used.

I am seriously concerned that it is unclear what safeguards would prevent unsuitable venues being used. How will the dignity of such ceremonies be guaranteed?

The consultation states that venues would need to be ‘dignified’ and ‘safe’, but lacks precision on what this means or how it will be tested. Venues must not detract from the solemn occasion of the wedding.

The Law Commission has made it clear it sees no objection to weddings “in the air”, suggesting that the terms ‘dignified’ and ‘safe’ could be interpreted very broadly, which is wholly undesirable.

Unofficial wedding ceremonies have taken place in a sadomasochism dungeon, underwater, at a Comic Book convention with a couple dressed as comic book heroes and at a ruined leper hospital on Hallowe’en. Such settings clearly trivialise marriage. The law must not allow such venues to host legally binding ceremonies, such venues being completely incompatible with the dignity of marriage.

Questions 48 and 52 propose a system by which “all weddings should be legally permitted to take place anywhere” as long as the venue is “dignified and safe”.

I stress again the seriousness and solemnity of a marriage ceremony. Venues should not simply be allowed because marrying couples want them, but because they are appropriate places to hold such a significant ceremony.

Question 48 specifically asks about couples having ceremonies “in the air”, meaning the 'safe and dignified' test doesn't seem anything like hard enough to meet. Would weddings also be allowed in McDonald's?

Question 52 fails to explain with any clarity how venues would be tested for “dignity” and “safety”. While the proposals call for guidance from the General Register Office, the terms are not defined, and stringent safeguards should be proposed.

Regards,

[Redacted signature block]

[REDACTED]

From: [REDACTED]
Sent: 13 September 2020 19:26
To: Weddings
Subject: Matrimony

Follow Up Flag: Follow up
Flag Status: Flagged

I happened upon an interview on BBC Radio 4 *Sunday* regarding reform of the marriage laws and it all sounded very complicated. It doesn't affect me at all but it occurred that the matter needs simplifying.

All marriages should be a civil contract giving comprehensive legal protection, rights and duties as citizens. It is a contract recognised by the state. The performance and document signing would take place in local Register Offices.

Couples who wish to hold a religious ceremony or a non-religious rite afterwards would be entirely free to do so at a location of their choice but it would have no legal significance of any kind.

Take religion/humanism clean out of the partnership for public purposes. It's then an entirely private matter, of no consequence to society beyond the subjective, personal beliefs and moral codes of the couple themselves. Marriage as a civil compact makes divorce much easier later on, since lifelong union would not form part of the expectation of a civil contract.

The choice of venue for a religious ceremony is not a matter for the state. If a couple wish to gather in the sea for an exchange of sentiments there should be no obstruction beyond the tides tables, or on a mountain, providing they know the way down in the mist.

I hope this clarifies matters for your deliberations.

Regards
[REDACTED]



Law Commission,
Weddings Team,
1st Floor,
Tower,
52 Queen Anne's Gate,
London
SW1H 9AG

02 December 2020

To whom it may concern

Dear Sirs

Re: Consultation on provisional proposals to reform the law governing how and where couples can get married

I write on behalf of my fellow trustees and the members of The Druid Network.

In 2016 The Law Commission invited The Druid Network to comment on its proposals to modify the then existing marriage laws in the UK, which TDN did after engaging its own membership in generating its comments.

Now, in 2020 the Law Commission are again requesting comment on the issue. They have significantly advanced their own proposals and such progress is welcomed. Therefore, TDN again takes the opportunity to contribute from its own perspective, and not necessarily for Druidry as a whole, and certainly not for all of the paths known as paganism, although we cannot fail to share some comments or suggestions as will be seen.

We echo our 2016 comments by suggesting the following as ways of moving the issue of marriage ceremony and registration forward so as to include those in our tradition who wish to join in partnership with another, but in the conventions and details of our path. This also allows for marriage to be conducted in the spirit of the Equalities Act 2010. We recognise the exceptional strides forward this current proposal offers:

Please reply to:

[Redacted address line]
[Redacted address line] [Redacted address line]

The Druid Network is a registered charity in England and Wales 1138265



A) We appreciate the need for a registered and bureaucratic system to enact and record marriage in the UK, and so there should be a civil agreement or contract (and any additional ritual) for all marriages. The ritualistic element can be faith based, philosophy driven, humanist, or otherwise purposed. The two elements could be separate (in different events) or (and preferably) complimentary in one holistic and coherent ceremony.

B) Druidry significantly does not rely solely upon the built environment for sacred space, treating the entire world as worthy of respect. Accepting some who find particular solace in ancient monuments such as standing stones, we make sacred space through ritual. As such, this lends an ambiguity to requiring a place to be licensed for marriage.

C) We propose an appropriately registered celebrant is the primary qualifier for a legal marriage, and that the venue of a ceremony is irrelevant. Witnesses such as are already used provide a secure affirmation of process, and we suggest the celebrant would become registered in a national and openly searchable database, as well as by any faith or non-faith group or groups.

D) Civil agreements whether or not linked with a religious ceremony should be advertised locally and nationally (online) for a minimum period (suggest a month) and registered into a national database searchable by the appropriate authorities. This allows greater foreknowledge of the intent, and also greater access to such information.

E) We consider it prudent that such protections and responsibilities that currently adhere to marriage would carry over to civil agreements.

F) In light of the Equalities Act 2010 there would seem to be no reason to exclude any system of relationship from this legally binding agreement, and thus would include LGBT and androgynous relationships. It may be argued that polygamy and polyandry marriages should similarly be included.

G) Any separate religious, philosophical, spiritual, humanist, or other blessings or sacred ceremony would have no legal role but would be a promise between the persons involved and their deities, prophets, founders, communities or other influential individuals or bodies, past or present. Such





rituals or ceremonies could therefore take place in any place deemed suitable by those holding them (see item C above).

H) Any included or additional religious, philosophical, spiritual, humanist, or other blessings or sacred ceremony would have no legal role in itself but would be a promise between the persons involved and their deities, prophets, founders, communities or other influential individuals or bodies, past or present. It is the civil agreement that forms the evidence body of secular law. Such rituals or ceremonies could therefore take place in any place deemed suitable by those holding them (see item C above).

I) Leading organisations, bodies, and institutions such as some involved in Druidry or in other spiritual, religious, philosophical or other arena may choose to formally certify the celebrants involved in non-secular ceremonies, although this may not be alongside of the legal part of the civil agreement and may not take place at the same time or venue. This would, however, offer guidance for the selection of a celebrant to meet requirements of any particular faith or religion. Currently a couple wishing a Druid wedding (Handfasting) will approach a Druid about conducting the Handfasting and separately organising the civil agreement, most often with the local registrar and at their offices. There is no current requirement for a Druid facilitating a Handfasting to be trained or certified in any sense whatsoever.

J) A growing desire in Druidry, and in paganism generally, is that the celebrant and registrar are the same person, and so that they are trained and qualified within their own spiritual tradition or path, and therefore are (by necessity) trained and qualified as a registrar and celebrant (see item B above). This affords the same respect and status to those in other spiritualities and paths as is afforded to Christianity especially (predominantly the Churches of England and of Wales), Judaism and Quakerism (the Religious Society of Friends), and so conforms to the Equalities Act 2010. We note that whilst religions such as Islam and Sikhism, for example, are allowed their own venues, they too do not have celebrant registrars from their own traditions.

K) Organisations in Druidry specifically, and in paganism generally, could be given central government help and support to train and qualify such celebrants and registrars. Which organisations should or should not certify (see I above) such celebrant registrars is another issue to be decided later. In UK Druidry we would initially suggest inviting: The Druid Network; The Order





of Bards, Ovates, and Druids; the British Druid Order; and the Pagan Federation(s) to discuss the matter.

We appreciate that what we are suggesting in the case of Druidry, is that for the marriage partners, the highlight and focus of the event is the Druid wedding (often called a Handfasting), and that the civil agreement is conducted for legal reasons only but is not the sole, only, or significant reason that they are partaking and have invited other participants and witnesses to attend.

We would hope that in including our suggestions then fewer weddings conducted according to wide and inclusive religious rites result in a marriage that the law does recognise legally.

We hope the above is to your satisfaction and we look forward to hearing from you in the future. Until then we remain,

Yours sincerely

[Redacted signature block]

On behalf of The Druid Network trustees:

[Redacted trustee signature block]

[Redacted footer block]



10th December 2020

Weddings Team
Law Commission
1st Floor, Tower
52 Queen Anne's Gate
London
SW1H 9AG

Dear Sir/Madam,

I am writing on behalf of the Catholic Bishops' Conference of England and Wales in response to the Law Commission's consultation: *Getting Married: A Consultation Paper on Weddings Law*.

In principle, the Catholic Bishops of England and Wales, having reviewed the document and having consulted with relevant Church bodies, do not foresee any problems with the direction of travel; indeed, there are aspects of the proposed changes which are welcome.

There is general agreement with the principle that as far as possible a single system should apply to all weddings and unnecessary regulation be eliminated. From the point of view of the Church, and its own internal processes, adequate regulations are already in place in Canon Law to safeguard our own concerns with reference to the proposed changes to marriage.

Chapter 2 of the Consultation is helpful in setting out the current legislation and offers useful clarifications, for example in 2.6 (page 30):

- 2.6 *For each type of wedding, we also explain the impact of failing to comply with the legal requirements. The law aims to uphold marriages wherever possible, and there is a strong presumption that a couple who have gone through a wedding have done all that is legally required. However, if it can be proved that they did not, the marriage will be:*
- (1) *valid, because the failure to comply was relatively trivial, or innocent, or because a validating order has been made under the Provisional Order (Marriages) Act 1905;*
 - (2) *void, because the couple both "knowingly and wilfully" failed to comply with certain requirements;*
or
 - (3) *non-qualifying, because the couple did not marry under the provisions of the Marriage Act 1949.*

If a marriage is void, a court has the same powers to reallocate assets between the parties as when granting a divorce. In the case of a non-qualifying ceremony it has no such powers.

Point 3 is particularly helpful. It distinguishes between ceremonies that purport to have civil validity but do not and those that make no claim to constitute civil marriage. This sets aside anxieties as to the possible consequences of mistakes made by authorised persons (now to be changed in role to officiants).

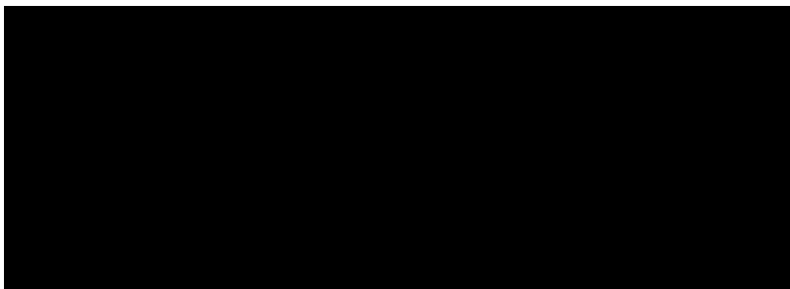
We also welcome the preservation of safeguards allowing the Church to retain full control over the liturgical rites for the celebration of marriages, as laid out in 3.60 and 3.61 (page 84).

However, there is some concern regarding the process by which officiants will be nominated. At the moment, the trustees of the civil charitable trusts that constitute legal entities in English and Welsh law for our dioceses and religious orders have responsibility for Church buildings, and as the authorised person is linked to the building, it is the Trustees who make the nomination.

In the proposed system, the cleric authorised for marriage must be nominated by someone. Our assumption is that the nominating body will continue to be the trustees of each Diocesan or religious order trust. However as the nomination of the cleric as a celebrant for marriage relies more on his office (priest or deacon) within the Church (rather than the building to which he is associated), we would regard the more appropriate nominating person to be the Bishop rather than the Board of Trustees. As such, this is a point in the proposal where we would seek clarification.

Should you need any further information, please do not hesitate to contact me.

With all good wishes and prayers,



Catholic Bishops' Conference of England and Wales

December 2020

Getting Married: A Consultation Paper on Weddings Law

NSS response

Submitted by email to: weddings@lawcommission.gov.uk

Introduction

This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture.

We welcome this opportunity to respond to the Law Commission's consultation on wedding law. We are broadly supportive of the Commission's proposals. We think they offer a balanced, practical and sensible model for more equal and inclusive weddings for people of all religions and none. We particularly welcome the following proposals:

- We greatly support the shift away from a 'buildings-based' approach to marriage law to an 'officiant-based' approach. This is a reform we have also called for.¹ It is in line with the law in Scotland and with existing provisions for Jewish and Quaker weddings in England and Wales, all of which are working well. This reform, perhaps more than any other in the proposals, will significantly increase freedom and fairness for all couples to marry how they want, and where they want – including outdoors.
- We also support the introduction of universal civil preliminaries. This will give much needed clarity to the law so all couples fully understand the process, in addition to providing equality for all couples regardless of religion or belief.
- We also greatly support the proposal to relax the prohibitions of religious content in civil weddings. We have also called for this reform in our campaigning work. We think that the current restrictions on religious prayers, blessings, songs and other content in civil weddings too greatly restricts the freedom of couples to have a wedding that is meaningful to them.

¹ For more information, please see our 'Reform Wedding Laws' campaign page: <https://www.secularism.org.uk/marriage-equality/>

Since this content has no legal significance on the wedding, we do not see any conflict with secular principles of separating religion and state in this regard.

- We welcome the more inclusive approach to authorising what religious groups can officiate legally-recognised weddings, including removing the requirement for religious groups to have a physical place of worship in order to conduct weddings. We also welcome the consideration to include “non-religious belief groups” into the sphere of groups that can nominate an officiant.
- We welcome the consideration to enable independent officiants to hold legally-recognised weddings. We think this will add to couples’ freedom of choice. However, we question the recommendation to limit independent officiants to civil weddings only. Many independent celebrants already conduct religious and Humanist wedding ceremonies, and we think enabling them to continue to do so, and for those weddings to have legal recognition, should be considered.
- We welcome the solutions proposed to the issue of religious ‘marriages’ that are not legally recognised – in particular, the issue of Muslim women entering *nikah* unions that are not subject to courts of law, and find themselves disadvantaged when subject to sharia councils if disputes arise. We agree it should be an offence for an officiant, or a person who purports to be an officiant, to deliberately to mislead a couple about the legal effect of their ceremony.

We have concerns regarding some of the details of the Law Commission’s proposals, which we have expressed in our answers to the consultation questions. We have omitted any questions that are not applicable to the NSS or that are beyond our organisation’s remit.

Finally, we ask the Law Commission to be aware that many groups consulted will, quite understandably, have vested interests in improving things for their specific group in particular – in some cases even to the detriment of other groups or the marrying couple. We ask the government to put individuals at the centre of their decision-making in this process. Individual rights and fairness must come first. And in the case of weddings, the most important people are the marrying couple. Their rights, freedoms and needs should be at the very centre of policy-making in this area.

NSS’s responses to the consultation questions

Consultation Question 5.

14.5 We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in-person interview at a later date.

Do consultees agree?

We agree with this proposal. This will make the process more accessible and suitable for our times.

Consultation Question 7.

14.7 We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.

We think in-person interviews should remain the default, in order to safeguard against forced marriages or sham marriages. Remote interviews should only be permitted under extraordinary circumstances.

Consultation Question 9.

14.9 We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm.

Do consultees agree?

We agree with this proposal. We think this strikes a balance between the need for a process for anyone who knows of any legal reason why the wedding should not go ahead to make that known, and protecting the safety and privacy of the couple.

Consultation Question 11.

14.11 We provisionally propose that:

- (1) the schedule should identify the officiant who will officiate at the wedding; and
- (2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant.

Do consultees agree?

We agree with this proposal.

Consultation Question 12.

14.12 We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay.

Do consultees agree?

We agree with this proposal.

Consultation Question 13.

14.14 We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales.

Do consultees agree?

We agree with this proposal. Removing redundant provisions will help to streamline and simplify the law.

Consultation Question 14.

14.15 We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed.

Do consultees agree?

We agree with this proposal. Removing redundant provisions will help to streamline and simplify the law.

Consultation Question 15.

14.16 We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.

We think the legal effect of Anglican preliminaries should be abolished. If Anglican preliminaries cease to have legal effect, it should be solely a decision for the Church of England and Church in Wales as to whether they wish to continue requiring banns to be called for their wedding rites.

Consultation Question 16.

14.17 We invite consultees' views as to whether to authorise an Anglican wedding clergy should:

- (1) have the power to call for documentary evidence and be required to check such evidence; and
- (2) be required to meet with each of the couple separately, before banns are published.

If Anglican clergy are authorised to serve as officiants by virtue of their status, they should have identical powers and identical responsibilities duties as other officiants.

Consultation Question 17.

14.18 We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage in order for a common licence to be granted to authorise an Anglican wedding.

The process for preliminaries should be identical for all couples regardless of whether the wedding is Anglican, civil or conducted according to another religion or belief.

Consultation Question 18.

14.19 We invite consultees' views as to whether:

- (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or
- (2) all weddings should be preceded by civil preliminaries.

We strongly agree with (2): all weddings should be preceded by civil preliminaries. This option is most compatible with the aim to make wedding law simpler and fairer for all, regardless of religion or belief.

We do not agree with (1). This exceptionalises Anglican weddings and undermines the equality and simplicity in wedding law that the Law Commission aims to achieve.

Consultation Question 19.

14.20 We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to:

- (1) ensure that the parties freely express consent to marry each other;
- (2) ensure that the other requirements of the ceremony are met; and
- (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed.

Do consultees agree?

We agree with this proposal and all the legal duties set out.

Consultation Question 20.

14.21 We provisionally propose that registration officers should only be able to officiate at civil weddings.

Do consultees agree?

We agree with this proposal. This will avoid a conflict of interest in the registration officers' duties.

Consultation Question 21.

14.22 We provisionally propose that only one registration officer should need to officiate at a civil wedding.

Do consultees agree?

We agree with this proposal.

Consultation Question 22.

14.23 We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.

Do consultees agree?

We disagree with this proposal. We think clerks in Holy Orders within the Church of England and the Church in Wales should follow the same 'nominated officiant' route in the same way as other religious groups, as proposed by the Law Commission. To exceptionalise Anglican clergy in this way undermines the principles of equality, consistency and simplicity that the Law Commission wishes to achieve in its reforms to wedding law.

Consultation Question 23.

14.24 We provisionally propose that:

- (1) for religious organisations other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and
- (2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.

Do consultees agree?

We agree with this proposal.

Consultation Question 24.

14.25 We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in *R (Hodkin) v Registrar General of Births, Deaths and Marriages*²) as

An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.

Do consultees agree?

14.26 We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.

We agree that the definition of non-religious belief organisations proposed by the Law Commission to align with the description in *R (Hodkin) v Registrar General of Births, Deaths and Marriages* is a useful guideline for determining which non-religious belief organisations can officiate weddings.

Consultation Question 25.

14.27 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:

- (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and
- (2) a wedding service or a sincerely held belief about marriage.

Do consultees agree?

We agree with this proposal. We are satisfied following discussions with the Law Commission that point (2) would not bar those organisations that are newly established, or have recently adopted a wedding service or a sincerely held belief about marriage.

We would like to comment on para. 5.131 in relation to the requirements for non-religious belief organisations to nominate officiants:

"This requirement reflects the importance of the community element that we note above. However, we appreciate that non-religious belief groups may not congregate in the same way that many religious groups do. The requirement could be satisfied by remote meetings amongst celebrants or the executive of the organisation in relation to community outreach and training of celebrants, which in our view would amount to meetings in furtherance of the group's beliefs: there would be no need for a public service each week. We therefore think that Humanists UK will have no difficulty in meeting this requirement."

We think that the same stipulation that the requirement can be satisfied by remote meetings should apply to religious groups too. Some religions like Paganism operate in a similar manner to Humanism in that many do not congregate in person in the same way more mainstream religions like Christianity, Islam or Judaism may do. We anticipate this will

become more common following the outbreak of Covid-19, as more religious groups have switched to online congregations.

We also think there is a strong case for independent officiates to be enabled to conduct religious and Humanist (and other non-religious belief) wedding ceremonies. Many people who do not belong to a specific religious or non-religious belief institution nevertheless have spiritual, religious or philosophical beliefs that are important to them. Currently, some independent celebrants do hold religious and Humanist wedding ceremonies on request of the couple.² Some religious traditions like Paganism do not have a formalised institution that determines how their weddings should be conducted, or who should conduct them. For this reason, many people who identify with these religions do not need an official institution to recognise the authority of a celebrant to conduct a wedding. Marrying couples who want their wedding to reflect their religious or philosophical beliefs but who do not recognise the authority of a particular religious institution will not be well-served if their only option for a religious or non-religious belief wedding is to have it held by an institution recognised by the state.

Consultation Question 26.

14.28 We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.

While we agree with this proposal in principle, we are concerned that defining what purposes are "contrary to public policy or morality" is very difficult to define, and changes over time. Even within living memory, same-sex weddings and same-sex relationships were once deemed contrary to both public policy and morality; this is clearly no longer the case in 21st century UK.

Additionally, common practices in some religious groups may be considered to be contrary to public morality by some. For example, discrimination against LGBT+ people in most organised religions; subordination of women in most organised religions, notably Catholicism and Islam; the strict rules enforced by Jehovah's Witnesses prohibiting their members from receiving life-saving blood transfusions; and the treatment of dissenters or 'apostates' by some more insular religious communities including Charedi Jewish communities and the Church of Scientology. As more members of the public oppose these practices, the appropriateness of these groups being able to hold weddings may be called into question.

Any determination of what groups should be excluded from nominating officials should be

² A search in the Association of Independent Celebrants' directory on 15 December 2020 found two celebrants who say they hold Humanist weddings, two who hold Pagan weddings, and seven who make reference to including religious elements in their ceremonies. Many more emphasise that they will personalise their weddings according to the couples' wishes, which would probably include accommodating religious or philosophical content. <https://independentcelebrants.com/directory/>

as ‘future-proof’ as possible.

Consultation Question 28.

14.30 We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.

Do consultees agree?

We agree with this proposal.

Consultation Question 29.

14.31 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants.

Do consultees agree?

We agree with this proposal, and we support independent officiants to be enabled by government.

Consultation Question 30.

14.32 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons.

Do consultees agree?

We are somewhat concerned that this could mean the standards for persons nominated as officiants by religious and non-religious belief organisations will potentially be lower than that set for registration officers and independent officiants. We think the General Register Office needs to play a significant role in monitoring religious and non-religious belief organisations that nominate wedding officiants to ensure they are meeting standards, including consistently nominating “fit and proper” persons. This is not only a matter of equality and fairness – it is also an important matter of safeguarding.

We note that the recent Independent Inquiry into Child Sexual Abuse (IICSA) identified severe safeguarding failings within key religious organisations that are currently able to hold weddings according to their religious rites. These include the Church of England,³ the Roman Catholic Church,⁴ and Jehovah’s Witnesses, in addition to a number of other

³ Jay, Alexis et. al. ‘The Anglican Church: Investigation Report’. Independent Inquiry into Child Sexual Abuse, October 2020. <https://www.iicsa.org.uk/publications/investigation/anglican-church> Accessed 8 December 2020.

⁴ Jay, Alexis et. al. ‘The Roman Catholic Church: Investigation Report’. Independent Inquiry into Child Sexual Abuse, November 2020. <https://www.iicsa.org.uk/publications/investigation/roman-catholic-church> Accessed 8 December 2020

religions and denominations.⁵ We therefore lack confidence that religious organisations can be trusted to nominate “fit and proper” persons without some external oversight.

Consultation Question 31.

14.33 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they:

- (1) are aged at least 18;
- (2) understand the legal requirements for being an officiant and performing the role; and
- (3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.

Do consultees agree?

We agree with all of these proposals.

Consultation Question 33.

14.35 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.

Do consultees agree?

We agree with this proposal.

Consultation Question 35.

14.37 We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.

Do consultees agree?

We agree in principle. Marriage is an institution with serious legal implications, and we appreciate the need to uphold its dignity and solemnity in order to emphasise its significance. However, we caution that opinions on what upholds the “dignity and solemnity of marriage” will vary from person to person. For example, to some people, a marriage in a fast-food restaurant may not be considered dignified or solemn. But this venue may have particular significance to the couple – it may be the place where they met, for example. We trust a balance can be struck between upholding the dignity and solemnity of marriage, and respecting the wishes of the couple to celebrate their union in a way that is meaningful to them.

⁵ Hurcombe, Rachel et. al. ‘Truth Project Thematic Report: Child sexual abuse in the context of religious institutions’. Independent Inquiry into Child Sexual Abuse, May 2019. <https://www.iicsa.org.uk/key-documents/11687/view/truth-project-thematic-report%3A-child-sexual-abuse-context-religious-institutions-full-report.pdf> Accessed 8 December 2020

Consultation Question 36.

14.38 We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.

Do consultees agree?

We agree with this proposal.

Consultation Question 37.

14.39 We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them.

Do consultees agree?

We agree in principle, but we are somewhat concerned this could mean the standards for persons nominated as officiants by religious and non-religious belief organisations will potentially be lower than that set for registration officers and independent officiants. We think the General Register Office needs to play a significant role in monitoring religious and non-religious belief organisations that nominate wedding officiants to ensure they are meeting standards, including consistently nominating “fit and proper” persons and their compliance with their duties.

We note that the recent Independent Inquiry into Child Sexual Abuse (IICSA) identified severe safeguarding failings within key religious organisations that are currently able to hold weddings according to their religious rites. These include the Church of England,⁶ the Roman Catholic Church,⁷ and Jehovah’s Witnesses, in addition to a number of other religions and denominations.⁸ We therefore lack confidence that religious organisations can be trusted to nominate “fit and proper” persons without considerable external oversight.

⁶ Jay, Alexis et. al. ‘The Anglican Church: Investigation Report’. Independent Inquiry into Child Sexual Abuse, October 2020. <https://www.iicsa.org.uk/publications/investigation/anglican-church> Accessed 8 December 2020.

⁷ Jay, Alexis et. al. ‘The Roman Catholic Church: Investigation Report’. Independent Inquiry into Child Sexual Abuse, November 2020. <https://www.iicsa.org.uk/publications/investigation/roman-catholic-church> Accessed 8 December 2020

⁸ Hurcombe, Rachel et. al. ‘Truth Project Thematic Report: Child sexual abuse in the context of religious institutions’. Independent Inquiry into Child Sexual Abuse, May 2019. <https://www.iicsa.org.uk/key-documents/11687/view/truth-project-thematic-report%3A-child-sexual-abuse-context-religious-institutions-full-report.pdf> Accessed 8 December 2020

Consultation Question 38.

14.40 We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?

We agree with this proposal.

Consultation Question 39.

14.41 We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?

We agree with this proposal. We also think nominated officiants for religious and non-religious belief groups should be monitored and held to the same standards.

Consultation Question 41.

14.43 We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?

We agree to this proposal. We also think nominated officiants for religious and non-religious belief groups should be held to these same standards.

Consultation Question 42.

14.44 We provisionally propose that:

(1) during every wedding ceremony, the parties:

- (a) should be required to express their consent to be married to each other, whether orally or otherwise, but
- (b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);

(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;

(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and

(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration

in the schedule (or marriage document).

Do consultees agree?

We think the signing of the schedule should be key and the part that essentially expresses consent. This is in line with the process of entering other important legal contracts.

In its proposed reforms, the Law Commission has said it is aiming to provide greater certainty and simplicity in the area of weddings. We are concerned that allowing for broad flexibility in how couples “express consent” will undermine this intention.

Consultation Question 43.

14.45 We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.

Do consultees agree?

We have a number of concerns relating to this question and what constitutes a legally-recognised marriage. We think the components of the wedding that lend it legal significance should be standardised for all couples, and couples should have broad freedom to determine for themselves any other religious, spiritual, or cultural rites that may be incorporated into the ceremony that have no legal bearing.

1. On signing the schedule

We would like to comment on paragraph 6.28 in relation to the issue of signing the schedule being key to recognition of a legally-binding wedding:

“Primarily, this solution may not in substance promote either choice or equality, if it meant that a marriage could only be legally formed when the schedule is signed. This moment might not be the point at which the parties view themselves as being married, particularly if they have had a religious (or non-religious belief) wedding ceremony or another form of meaningful ceremony.” (underline added)

We disagree that requiring the schedule to be signed in order for a wedding to be legally recognised is somehow not promoting “choice” or “equality”. We note that the schedule must be signed for civil weddings under the Law Commission’s proposals, and we believe it would create inequality and confusion if the same duty to sign the schedule was not required for other types of weddings. Making the signing of the schedule a key component of a legally-binding wedding is the best way of ensuring clarity, brings the wedding contract in line with other contracts, and does not prevent other ceremonies and rites from taking place that have religious or cultural significance for the couple.

If a couple is marrying according to religious rites (or indeed the customs of non-religious belief groups), it is not in the interest of the state for the state to decide whether or not those rites should represent an intention to create legal relations. Good law requires clearly-defined specifics to ensure fairness and justice. The simplest and clearest way to make that intention clear is to sign the schedule.

2. On the necessity for both parties to be present

We are concerned about the implications of paragraph 6.62:

“We think this option provides the flexibility necessary to accommodate the variety of beliefs about weddings in England and Wales today. For example, we understand that in some Muslim nikah ceremonies, the bride is not physically present for the ceremony itself (having given consent earlier). The Muslim Council of Britain agreed that the law should require both parties to be present at the point at which they express consent for the purpose of the law. Therefore, for wedding ceremonies in which the bride is not present, the Council agreed that the point at which the law would recognise the couple as expressing their consent could be at the point they sign the schedule (in the presence of two witnesses and the officiant).” (underline added)

We asked the Law Commission during a meeting in October if signing the schedule in these circumstances still meant a ceremony would still have to take place for the wedding to be legally recognised. The Commission’s answer appeared to confirm that the ceremony would still be required.

We are very concerned that a ceremony with legal implications could take place without both parties being present. We believe this is out of step with legal principles; when two parties form a significant legal contract of this kind, the same terms should apply to them equally. That only one party may be present at a ceremony with legal significance for both parties breaks this parity.

We are also concerned that by bestowing a ceremony where only the groom is present legal significance, the state is upholding religious ideology that is sexist, discriminatory and inappropriate in the context of the law in 21st century Britain. We noted that the above paragraph only refers to the bride being omitted from the ceremony, not the groom. Not requiring the bride’s presence at a ceremony that has legal bearings on her future removes her of agency and subordinates her role in the marriage.

Religious groups should have the freedom to hold whatever religious union rites they wish. However, the state should not support wedding ceremonies that reinforce sexism by declaring such ceremonies have legal significance in their own right. If a wedding ceremony is to have any legal significance, it should be a basic requirement that both parties be present. Exceptions should not be made simply to accommodate the demands of religious leaders.

3. On the issue of inadvertent ‘opt out’ marriages

We are concerned by the implications of paragraphs 6.64 and 6.65:

“6.64 In assessing whether a couple have consented to be legally married, we do not think that it should be necessary for them to make explicit reference to the law or legal recognition. This would be contrary to our aim of ensuring that couples can express their consent in a way that is meaningful to them. We also note that one form of the current prescribed words does not explicitly state that the person is consenting to legal marriage.

The fact that a couple are consenting to be legally married will usually be clear from the fact that they have given notice of their intention to marry and are exchanging consent in front of an officiant.

6.65 However, we know that some couples wish to have a ceremony that does not have legal recognition. Under our proposed scheme, it would remain open to either of the couple to prove that that they made it clear that they were not expressing consent to be legally married. In such cases they would not have given an expression of consent as required by the law. In the vast majority of cases in which the couple wishes to have a ceremony that is not recognised by the law, no notice will have been given."

We are concerned that this may have a peculiar effect of couples, in effect, having to declare that they have no intention to create legal relations, rather than declare that intention. In other words, it suggests that religious legally-binding weddings are 'opt out' rather than 'opt in'; i.e. there is no burden on the couple or officiant to make explicit reference to law or legal recognition during a legally-binding wedding, but there is a burden on the couple or officiant to make explicit reference to the fact that their wedding is *not* legally recognised if they want a religion-only ceremony.

This strikes us as contrary to usual legal sense. Usually if one enters into a contract with another, the burden is on the parties to prove an intention to create legal relations (hence the necessity of a written contract in most cases). It is not usually the case that parties are required to prove the reverse, i.e. *no* intention to create legal relations. Law usually requires one to explicitly state that one is entering a contract, rather than an explicitly stating that one is *not* entering a contract.

This could have implications for freedom of religion or belief. As the Law Commission itself recognises, some couples want to have a union ceremony according to the traditions of a religion or belief without it being recognised as legally-binding by the courts. Muslims, Pagans and Humanists are among the groups that currently practice such rites. There is a risk that, under the Law Commission's proposals, these groups would be put under a burden to say a "disclaimer" amid their rites that the ceremony has no legal significance which would unnecessarily interfere with those rites.

If clarity is needed as to whether or not a ceremony has legal implications, the burden of proof needs to be on the parties that intend to create legal relations rather than those that do not.

We should add that this should not apply to any officiants or other parties who intentionally set out to deceive one or both of a couple that a ceremony is legally binding when in fact it is not. We agree with the Law Commission's proposals to criminalise such deception.

Consultation Question 44.

14.46 We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker

groups will continue to be able to impose their own requirements as a matter of their own practice).

Do consultees agree?

We strongly agree with this proposal. As far as possible, all couples, regardless of religion or belief, should be subject to the same legal requirements with regards to weddings.

Consultation Question 45.

14.47 We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

Do consultees agree?

14.48 We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.

We strongly agree with the proposal that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

We do not view the permitting of religious content in civil weddings as incompatible with a secular state, because this content has no legal significance (and therefore no significance to the state).

We are aware that many nonreligious people, or people who do not want a religious wedding, find special meaning in songs, poems, prayers and other expressions that happen to be religious in origin and theme. We consider civil ceremonies that prohibit such content to be too restrictive. The Law Commission's proposals will significantly enhance the freedom of couples to have a wedding that suits them.

Furthermore, in many cases one couple may be religious and the other not religious, or they may be of different religions. In such cases, they may consider a civil ceremony to be the most suited to them, but inclusion of some religious content can help to personalise the ceremony and express their religious and cultural background.

We are therefore supportive of the Law Commission's proposals here and think they are reasonable and proportionate.

We do not think that specific examples of religious content that is expressly allowed are necessary. We think the registrar or officiant can be trusted to make a reasoned judgement call as to what degree of religious material can be permitted without undermining the nature of the wedding as a civil ceremony.

Consultation Question 46.

14.49 We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed.

Do consultees agree?

We agree with this proposal.

Consultation Question 47.

14.50 We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.

Do consultees agree?

We agree with this proposal.

Consultation Question 48.

14.51 We provisionally propose that all weddings should be legally permitted to take place anywhere.

Do consultees agree?

We agree with this proposal. This will significantly enhance freedom and fairness for all couples, regardless of religion or belief.

14.52 We invite consultees' views as to whether the law should limit weddings in any particular venues, including:

- (1) outdoors,
- (2) on inland waters such as lakes or rivers,
- (3) in the air, and / or
- (4) in private homes.

We think that weddings should in theory be permissible in all four of these locations, provided consideration is given to practicalities including safety, potential impact on the public, ensuring the duty that the "dignity and solemnity" of weddings is preserved, etc. We think the responsibility to ensure the venue is suitable should lie with the officiant, and that the officiant should have the right to deny holding a wedding if he or she is uncomfortable with the venue due to reasonable concerns.

Consultation Question 49.

14.53 We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.

Do consultees agree?

We agree with this proposal.

Consultation Question 50.

14.54 We invite consultees' views as to whether the law should prohibit:

- (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief venues?

- (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?
- (3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues?

We do not think any of these three circumstances should be prohibited. We see no reason in law why civil or non-religious weddings should be barred from taking place in a religious venue (and vice versa), provided the owner or authority in charge of the venue permits this and the officiant is satisfied that the venue is suitable. The abolition of laws determining the legal status of a wedding to the venue in which it is held mean that everyone is given the freedom to marry where they wish; these kinds of prohibitions would significantly undermine this.

Consultation Question 51.

14.55 We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.

Do consultees agree?

We agree with this proposal. It is already the case that independent celebrants and others who perform weddings and other ceremonies take considerable responsibility in ensuring the location is suitable.

Consultation Question 52.

14.56 We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:

- (1) safe, and
- (2) dignified.

Do consultees agree?

We agree with this proposal. However, we caution that the word “dignified” may be somewhat open to interpretation; please see our answer to Consultation Question 35 for further discussion.

14.57 We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.

Do consultees agree?

We strongly agree with this proposal. This is a sensible step and would provide clarity on issues that may be subjective; for example, the meaning of “dignified”.

Consultation Question 53.

14.58 We invite consultees’ views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the

general rule that the officiant must agree to the location.

We agree with this proposal.

Consultation Question 54.

14.60 We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:

- (1) the date of the wedding;
- (2) the location of the wedding; and
- (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".

Do consultees agree?

We agree in principle with this proposal. However, we think consideration should be given to less common family set-ups where there is no clear parent, or where the parents have not been the primary caregivers.

Consultation Question 55.

14.61 We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.

Do consultees agree?

We agree with this proposal.

Consultation Question 56.

14.62 We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.

Do consultees agree?

We agree with this proposal.

Consultation Question 57.

14.63 We provisionally propose that any one of the following factors on its own should render a marriage void:

- (1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;
- (2) the wedding taking place after authority to marry had lapsed;
- (3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or
- (4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.

Do consultees agree?

We agree with these proposals.

Consultation Question 58.

14.65 We provisionally propose that the following factors should result in a non-qualifying ceremony:

(1) both:

(a) failure of one or both parties to the marriage to give notice of the intended marriage, and

(b) either:

(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or

(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or

(2) failure of one or both parties to express consent to the marriage.

Do consultees agree?

We agree with these proposals.

Consultation Question 60.

14.68 We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.

Do consultees agree?

We agree with this proposal.

Consultation Question 61.

14.69 We provisionally propose that it should be an offence:

(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony; or

(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.

Do consultees agree?

We strongly agree with this proposal. We think this is one of the best ways to protect people from entering into unions they believe have legal significance, when in fact they do not. As highlighted by the Law Commission, there is a specific issue of Muslim women entering into *nikah* unions without realising they do not offer the same legal protections as a legally-binding marriage.

This proposed offence would help to combat the issue without resorting to banning nikah

or any other religious unions that are not legally-binding, which we think would amount to an undesirable restriction on religious freedom. Anyone should be free to willingly enter a religious union that has no legal effect, but every effort must be made to ensure those who do enter such unions do so in the full knowledge that they offer none of the legal protections of a legally-recognised marriage.

Consultation Question 64.

14.72 We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers.

Do consultees agree?

We agree with this proposal.

14.76 We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency.

Do consultees agree?

We agree with this proposal.

Consultation Question 68.

14.78 We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales.

Do consultees agree?

We agree with this proposal.

Consultation Question 69.

14.79 We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales.

Do consultees agree?

We agree with this proposal.

Consultation Question 70.

14.80 We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.

We agree with this proposal in principle, but realise there are considerations of safety and practicality that would not apply to other types of weddings.

Consultation Question 71.

14.81 We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant.

Do consultees agree?

We agree with this proposal.

Consultation Question 72.

14.82 We provisionally propose that weddings on ships in international waters should be officiated by:

- (1) deck officers who have been authorised by the Registrar General as maritime officiants; and
- (2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants.

Do consultees agree?

We do not understand why nominated officiants for religious or non-religious belief groups are excluded from these proposals. These proposals would mean those who want civil wedding have the freedom to marry in international waters, but those who want any kind of religious or non-religious belief wedding (assuming independent officiants can only hold civil weddings) do not. This leads to inequality.

14.83 We provisionally propose that maritime officiants should be subject to the same rules as we have provisionally proposed should apply to independent officiants.

Do consultees agree?

We agree with this proposal.

Consultation Question 73.

14.85 We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.

As explained in Consultation Question 72, it seems correct as a matter of principle to permit religious and non-religious belief weddings in international waters in order to ensure equality. Conceivably any member of a religious or non-religious belief group could be interested, especially if they have maritime connections.

Consultation Question 77.

14.89 We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation.

Do consultees agree?

We agree with this proposal. Some people prefer to have a 'no frills' wedding ceremony, which a register office provides.

Consultation Question 78.

14.90 We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis.

Do consultees agree?

We agree with this proposal.

Consultation Question 79.

14.91 We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis.

Do consultees agree?

We agree with this proposal.

Consultation Question 80.

14.92 We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales.

Do consultees agree?

We agree with this proposal. We add that this strengthens the case for enabling independent officiants to conduct weddings, otherwise the process may be unfair for same-sex couples.

Out of 39,302 places of worship (including Church in England and Church in Wales churches) registered for marriage, only 267 (0.7%) are registered to hold same-sex weddings.⁹ We can therefore assume that the majority of religious groups who nominate an officiant will not conduct same-sex marriages. Although non-religious belief groups are far more likely to hold same-sex weddings, their exclusion from current marriage laws means the number of non-religious belief nominated officiants will be much lower than those for religious groups initially. This will mean same-sex couples will still have considerably fewer wedding options than opposite-sex couples for the foreseeable future. Therefore, most same-sex couples will have no practical option except a civil wedding or civil partnership, so they are more likely to have to pay an additional fee to have a wedding outside the registry office. Opposite-sex couples are more likely to have the option to marry in a place of worship by a nominated officiant, so they are less likely to have to pay the additional fee.

Enabling independent officiants will mitigate this inequality, as it will give same-sex couples more routes into marriage. Many independent celebrants have long offered same-sex unions; often, independent celebrants are motivated to do this work because they want couples to have more freedom in how they marry – including who they marry.

It is possible that an independent officiant will charge a lower fee for his or her services than that for a registration officer to conduct the wedding outside a registry office. This means that same-sex couples are not forced by default to either have a wedding within a registry office, or pay the fee to have the registration officer conduct the wedding in a

⁹ See Appendix 1.

different venue.

Consultation Question 81.

14.93 We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony.

Do consultees agree?

We agree with this proposal.

Consultation Question 84.

14.96 We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application.

Do consultees agree?

We agree with this proposal.

Consultation Question 85.

14.97 We invite consultees' views on:

- (1) whether the current law discourages or prevents couples from getting married; and
- (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married.

Please provide us with any evidence you have of the scale of the impact of the law or any benefits.

We think that fewer people may be getting married, and getting married later in life, because the current law has resulted in additional bureaucracy and expenses for civil marriage venues, when compared with places of worship.

The Law Commission has recognised that it is considerably more costly for venues to become approved for civil marriages and civil partnerships than it is for a place of worship to register for marriage. Places of worship only need to pay a one-off fee of £123 to register for marriage.¹⁰ The cost for approved premises varies according to local authority but is considerably higher. For example Manchester City Council charges £900 for an approved premises certificate, which must be renewed every three years.¹¹

It should be noted that many, if not most, places of worship are registered charities. It is

¹⁰ HM Passport Office, 'How to Certify a Building for Religious Worship and Register for the Solemnization of Marriages' (Form 78L). Last updated 2 September 2015. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/783379/How_to_certify_a_building_for_religious_D0550_F78L.pdf Accessed 2 December 2020.

¹¹ Manchester City Council, 'Marriage & civil partnership - venue approval (new and renewal)'. https://www.manchester.gov.uk/directory_record/287398/marriage_and_civil_partnership_-_venue_approval_new_and_renewal/category/358/marriage_and_civil_partnerships Accessed 2 December 2020.

easy for a place of worship to become a registered charity because “the advancement of religion” is recognised as a charitable purpose in law. There is no equivalent charitable purpose for non-religious belief organisations.¹² This means places of worship can receive tax breaks and other financial benefits that are not possible for many non-religious venues to obtain.

The process for becoming an approved premises is also more bureaucratic than registering a place of worship for marriage. Places of worship need to complete a two-sided form giving details of 20 householders confirming that they attend the place of worship and wish to see it registered for marriage.¹³ In contrast, the manual that needs to be followed and signed by venues seeking approval for civil marriages and partnerships is 37 pages.¹⁴

Church of England and Church in Wales churches do not need to go through this process, while Jewish and Quaker ceremonies can take place anywhere.

The more difficult and costly method of registration for approved premises may account for the considerable disparity between the numbers of places of worship registered for marriage, and the number of approved premises for civil marriage and civil partnerships. There are 22,500 places of worship registered for marriage; when Church of England and Church in Wales churches are included, this figure rises to 39,302 (see Appendix 1).

In contrast, there are only 7,516 approved premises for civil weddings and civil partnerships, according to our findings. We note that this number is considerably smaller than that given by the Law Commission at para. 2.36 in the consultation document (“around 11,000”). We think this is an error arising from the presentation of data from HM Passport Office on approved premises; see Appendix 1 for more information.

This means only 16% of wedding venues are for civil marriages and partnerships, despite the fact that most marriages are now civil: in 2016, 78% of weddings were civil weddings and 92% of civil weddings were on approved premises, as the Law Commission itself highlights in its consultation. The UK’s population is also growing steadily more irreligious, with British Social Attitudes surveys consistently finding that over 50% of the population have no religion.¹⁵

This mismatch of supply and demand no doubt adds pressure to civil marriage venues, adding to their costs which in turn are passed on to their clients – the marrying couple.

¹² For more information, see the NSS’s 2018 report ‘*For the public benefit? The case for removing ‘the advancement of religion’ as a charitable purpose*’ [https://www.secularism.org.uk/uploads/nss-advancement-of-religion-charity-report-\(electronic\).pdf](https://www.secularism.org.uk/uploads/nss-advancement-of-religion-charity-report-(electronic).pdf)

¹³ HM Passport Office, ‘Certificate and application for the registration of a place of religious worship for the solemnisation of marriages’ (form 78). Last updated 18 March 2014, <https://www.gov.uk/government/publications/certificate-and-application-for-the-registration-of-a-place-of-religious-worship-for-the-solemnisation-of-marriages-form-78> Accessed 3 December 2020.

¹⁴ HM Passport Office, ‘Guidance on approving premises as venues for civil marriages and partnerships.’ Last updated 2 December 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/848875/registering_a_venue.pdf Accessed 3 December 2020.

¹⁵ NatCen Social Research, ‘British Social Attitudes’ <https://www.bsa.natcen.ac.uk/>

Add to this the fee for registrars – described as “extortionate” in one quote in the consultation document – and the expenses of civil marriage become extreme. This may explain why people in England and Wales are marrying increasingly later in life (when they may be in a better financial position), or not marrying at all.¹⁶

As the Law Commission recognises, the law has created inequalities that mean certain groups of people face barriers to marriage that other groups do not. For example:

1. Nonreligious people, or people who do not want religious weddings

Only 16% of wedding venues are non-religious, compared with over 50% of people who do not have a religion, and 78% of couples who want a civil wedding.

2. Same-sex couples

While opposite-sex marriages are declining, the number of same-sex marriages is holding steady.¹⁷ This may increase: in 2017, a record one million people in the UK were openly gay, lesbian or bisexual. The age group most likely to identify as LGB were 16-24 year olds.¹⁸ The increase in openly-LGB young people is also likely to fuel the rise in same-sex marriage.

However, only 267 places of worship (less than 1%) will hold same-sex marriages. This means that the only practical option for most same-sex couples is to have a civil marriage - where they must compete for venues with the majority of opposite-sex couples who also want a civil marriage.

3. Members of minority religions

Many members of minority religious organisations, especially those that are not Christian or Jewish, find that the current system does not work for their religion. The current system is based heavily on Christian perspectives of religion: that weddings should take place within a consecrated building, that priests should conduct weddings, etc. As the Law Commission has found, many in many non-Christian religions there is no special emphasis placed on sacred buildings, and marriage rites do not have to be performed by an ordained priest or equivalent. The building-based system is therefore a barrier to people from these religions.

For example, as also identified by the Law Commission, the emphasis on buildings in wedding law is ill-suited to Muslim weddings, as there is no particular tradition of weddings being held in mosques. This may contribute to the number of Muslims who have *nikah* unions that are not legally-binding.

¹⁶ Office for National Statistics, ‘Marriages in England and Wales: 2017’. April 2020. <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2017> Accessed 3 December 2020.

¹⁷ *ibid.*

¹⁸ Bulman, May. ‘Number of lesbian, gay and bisexual people in UK reaches 1 million for first time since records began’. The Independent, 4 October 2017. <https://www.independent.co.uk/news/uk/home-news/lgbt-people-uk-gay-lesbian-numbers-figures-record-high-a7982571.html> Accessed 3 December 2020.

4. Interfaith couples

Couples of different religions, or a couple where only one member is religious, are ill-served by the current law. As the Law Commission has identified, the prohibition of any religious content in civil weddings does not serve those where one of the couple would like their religion reflected in some way. Additionally, because religious weddings must take place in a specific place of worship according to the rites of its religion, it is very difficult to have a truly 'interfaith' wedding.

5. Those on low incomes

The high expense of weddings, fuelled by the fees for civil marriage registration, may account for the disparity seen marriage rates according to social class. Almost 90% of middle earners get married, compared with only a quarter of couples on low incomes.¹⁹

We think that the Law Commissions proposals will eliminate many of the problems outlined above. Switching from a buildings-based system to an officiant-based one will solve the problems of inequality in venue costs for both providers and marrying couples. It is likely to lead to greater choice for same-sex couples. And it will better accommodate the needs of couples from minority religions, or couples from different religion or belief backgrounds who would prefer an interfaith wedding. These better conditions can only be conducive to an increase in weddings.

Consultation Question 86.

14.98 We invite consultees' views on the impact of the current law on couples including in relation to:

- (1) the availability and costs of register office weddings;
- (2) the costs of marrying on approved premises;
- (3) the costs of marrying in registered places of worship;
- (4) the costs of marrying in locations that are not authorised for weddings under the current law; and
- (5) the necessity and costs of a having a separate, legally recognised wedding.

We have addressed points (1)-(3) in our answer to Consultation Question 85.

Regarding points (4) and (5), we think the current law adds to the necessity, and therefore cost, of having two separate weddings – one that is not legally recognised but more tailored to the couple's wishes, and one that is legally recognised but does not accommodate the couple's wishes. Those who want Humanist weddings, or weddings according to a religious group that has few or no places of worship registered for marriage, have no choice but to have two separate weddings.

¹⁹ HC Deb (30 January 2018) Volume 635 <https://hansard.parliament.uk/Commons/2018-01-30/debates/F6F9D785-B389-45BF-BE31-F07C45BAD7B6/MarriageInGovernmentPolicy> Accessed 3 December 2020

14.99 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:

- (1) the availability of register office weddings and any savings in relation to them;
 - (2) savings from being able to marry in locations without the need for a pre-approval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and
 - (3) the necessity of a separate, legally recognised wedding and any consequent savings.
- If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

As expressed in our answer to Consultation Question 85, we think the Law Commission's proposed scheme will benefit all areas outlined above:

- (1) We think that the proposals will lead to lower costs for civil wedding venues, as much of the 'red tape' and approval fee will be eliminated. As a result, the demand for register office weddings is likely to decrease, which in turn should reduce the costs.
- (2) This will allow for many more venues to host weddings, increasing competition on the market which will lower costs; currently, venues that can afford the high registration fee and other expenses have a monopoly on the market. It will also no doubt create a considerable number of jobs and business opportunities for entrepreneurs.
- (3) Because this is unlikely to be necessary for most couples under the proposals, the cost of two separate ceremonies will be eliminated in most cases.

14.101 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:

- (1) hosting weddings without requiring Government pre-approval;
- (2) the availability of registration officers for civil weddings;
- (3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and
- (4) the business opportunities arising from an increase in the number of weddings in England and Wales.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.

- (1) We think the proposal to allow venues to host weddings without Government pre-approval will benefit both the venues and the marrying couple. Cutting out this 'red tape' will lead to cost savings, a wider market for wedding venues (which would further result in other economic benefits including job creation) and greater freedom for the couple to marry where they wish.

(2) By enabling a greater number of people to officiate at weddings (nominated officiants and independent officiants), the availability of registration officers is likely to increase due to a decreased demand. This too is likely to lead to a decreased cost in weddings.

(3) Allowing more venues to host different types of weddings will be beneficial for both the venue and the marrying couple. It will generate more revenue for venues and will give the couple greater freedom of choice.

(4) An increase in the number of weddings in England and Wales is likely to increase business opportunities. The wedding industry is a significant part of our economy, worth £14.7 billion a year.²⁰ We cannot see how increasing the number of weddings can do anything but increase this figure.

Consultation Question 88.

14.102 We invite consultees' views on the impact of the current law on local authorities.

We think that the current law may mean local authorities are over-burdened, especially as the demand for civil rather than religious weddings continues to increase.

14.103 We invite consultees' views on the potential benefits to local authorities of our proposed scheme.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

We think that enabling nominated officiants and independent officiants to hold weddings will help to ease pressure on local authorities, saving money, time and resources. This is especially important at time time when local authorities are under huge financial pressure and are trying to find ways to make cuts while minimising adverse impacts of those cuts on the local community. 'Out-sourcing' more weddings to nominated officiants and independent officiants is one way to do this.

Consultation Question 89.

14.104 We invite consultees' views on the impact of the current law on:

- (1) residents of England and Wales travelling to other jurisdictions to get married; and
- (2) residents of overseas jurisdictions travelling to England and Wales to get married.

We note that Scotland's celebrant-based system has resulted in greater freedoms for couples to marry how they wish – for example, legally-recognised Pagan and Humanist weddings are possible in Scotland, but are virtually impossible in England and Wales. We think that some couples may choose to marry in Scotland rather than England or Wales for

²⁰ Young, Sarah. 'Brides and prejudice: How the wedding industry is struggling under strict coronavirus restrictions'. The Independent, 11 October 2020. <https://www.independent.co.uk/life-style/coronavirus-wedding-industry-suppliers-impact-uk-government-support-alok-sharma-b904374.html> Accessed 7 December 2020.

this reason.

14.105 We invite consultees' views on the potential benefits of our proposed scheme relating to:

- (1) residents of England and Wales travelling to other jurisdictions to get married; and
- (2) residents of overseas jurisdictions travelling to England and Wales to get married.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

We think that the proposed scheme would encourage more couples to marry in England and Wales, rather than travel to Scotland or other jurisdictions where there is greater freedom to marry as they wish.

Consultation Question 91.

14.108 We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:

- (1) Government and local authorities;
- (2) businesses;
- (3) religious (and non-religious belief) organisations;
- (4) independent officiants; and / or
- (5) couples.

We think that the Law Commission's proposals are likely to reduce costs for all 5 of these parties in the long term.

(1) While establishing a new system for nominated officiants and independent officiants may involve some initial investment for government and local authorities in the short term, we think long term savings can be made by essentially 'out sourcing' these roles, reducing the demand for registration officers and registry office weddings.

(2) Businesses are likely to see immediate savings as well as long-term savings. They will have less 'red tape' and will not have to pay the three-yearly license fee for being an approved premise.

(3) Religious and non-religious belief organisations may need a small initial investment in nominating a person to oversee their weddings. However, the cost of this is likely to be small, particularly as most religious groups will already have a priest or other celebrant experienced in holding weddings. In the long term we think there are large savings to be made from eliminating the need for the religious or non-religious belief organisation to have a specific building, which is a significant cost that will only grow as real estate and land costs increase.

(4) Independent officiants may need a small initial investment in the registration and training process with the local authority. However, because they are likely to see a significant rise in demand due to their new power of being able to officiate legally-recognised weddings, they are likely to see a significant and rapid return on this

investment.

(5) All the above parties will be able to pass on their cost savings to their clients, i.e. the marrying couple. This is likely to significantly reduce the cost of weddings due to an increase in choice of wedding venue.

APPENDICES

Appendix 1: Wedding venues in England and Wales

With the exception of the number of Church in Wales churches, all figures are correct as of 3 December 2020. Church in Wales figures are correct as of 7 August 2019; more recent figures are not available.

Our figure for civil marriages and partnerships approved premises differs considerably from that given by the Law Commission in the consultation document (“around 11,000”). We believe the Law Commission’s figure may be due to an error resulting from the tabulation method used in the file provided by HM Passport Office. After removing the blank cells that we believe caused this error, the NSS has found the figure to be 7,034. The NSS is happy to supply our data for the number of approved premises and provide further explanations on request.

Type of venue	No.	Data source
Church of England churches	15,496	The Church of England, ‘Statistics for Mission 2019’. Research and Statistics 2020, p. 23 https://www.churchofengland.org/sites/default/files/2020-10/2019StatisticsForMission.pdf
Church in Wales churches	1,306	Church in Wales website (no longer available). https://www.churchinwales.org.uk/structure/places/churches
Other places of worship registered for opposite sex marriage only	22,233	HM Passport office, ‘Places of worship registered for marriage’. https://www.gov.uk/government/publications/places-of-worship-registered-for-marriage
Other places of worship registered for same sex and opposite sex marriage	267	See above.
Other places of worship not registered for marriage	7,034	See above.
Civil marriages and partnerships approved premises	7,516	HM Passport office, ‘Civil marriages and partnerships: approved premises list’ https://www.gov.uk/government/publications/civil-marriages-and-partnerships-approved-premises-list
TOTAL: Places of worship registered for marriage	39,302	
TOTAL: Places registered for marriage (religious & civil)	46,818	
% Marriage venues that are for civil marriages	16.1	
% Places of worship that can hold same sex marriages	0.7	
% venues that can hold same sex marriages	16.6	

From: [REDACTED]
Sent: 18 December 2020 11:28
To: Weddings
Subject: Consultation response
Attachments: Law Commission Consultation_Cross-party submission_18 Dec 2020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

I attach a response from Baroness Cox, co-signed by 31 other parliamentarians.

Best wishes,

[REDACTED]
[REDACTED]
House of Lords
London [REDACTED]

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Weddings Team
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52 Queen Anne's Gate
London SW1H 9AG
weddings@lawcommission.gov.uk

18 December 2020

Re. Weddings Law Consultation

We remain deeply concerned by the plight of many women in sharia-compliant marriages, who have had a religious wedding ceremony but without legal consequences. These women often only discover their lack of official marital status when their relationship breaks down. They have no legal rights against their 'husband' and have no option of obtaining a civil divorce.

Their suffering is sometimes compounded by barriers from within their own communities. According to the independent review into the application of sharia law in England and Wales, 'some sharia councils are deemed to be discriminating against women who use their services on matters of marriage and divorce.' However, this is not merely a 'social issue', as the Government claim. It is also a legal issue that requires an urgent legislative response. We therefore welcome the Law Commission's proposals to modernise and improve wedding law, to eliminate statutory anomalies and – we hope – ensure greater protections for Muslim women.

Protracted process

We acknowledge that the Marriage Act 1949 is a complex maze of different rules for different types of ceremonies. We also recognise the limits of the Law Commission as a recommendatory body. However, almost a decade has passed since this issue was first discussed in Parliament – long before any delays caused by the COVID-19 pandemic – and we have seen no sign of any significant progress.

The Law Commission has, after numerous setbacks, launched a public consultation on 'provisional proposals' to reform the law, following the Government's commitment in March 2018 to 'explore the legal and practical challenges of limited reform.' Such vague commitments, while broadly welcomed, do not inspire confidence. We have seen little evidence in ten years to suggest that promises to 'continue the exploration of

reform' will not be used to postpone viable legislation or to kick these issues into the long grass.

In your analysis of consultation responses and final scoping report, we urge you to stress the urgency of the situation facing Muslim women who do not have the protection of legal marriage. The Government's response to date (or lack thereof) is, at best, demonstrative of their failure to keep pace with social changes and cultural-religious practices. At worst, it exposes an unwillingness to protect one of this country's most marginalised, excluded and discriminated-against groups.

Provisional proposals

Notwithstanding these concerns, we agree that the law needs updating.

- The core provisions of marriage law, which date back to 1836, have been developed incrementally and confusingly over centuries. The Marriage Act 1949 as it relates to Muslim weddings compared to others religious weddings (Anglican, Jewish and Quaker) is complex and inconsistent. Yet Government ministers tell us that the current law is almost impossible to amend without causing a raft of unintended consequences. **We therefore endorse the Law Commission's spirit of certainty and simplicity.**
- Paragraphs 10.171-10.179 summarise our main concern: that difficulties arise where a religious rite takes place first (in an unregistered mosque, private home or elsewhere) and is not followed by a legally-binding ceremony. **We support in principle the Law Commission's proposals to make it easier to have a religious wedding that is also a legally-binding wedding**, such as the proposals to remove the necessity for religious groups to incorporate prescribed words and to reduce the red tape around wedding venues.
- The consultation document does not pay enough attention to the problems associated with polygamous religious marriages which, according to the Casey Review, are 'more commonplace than might be expected' and 'impact negatively on women (and their children)'. Such multiple marriages have no more legal status than other extra martial relationships – there is nothing illegal about having a wife and a girlfriend. However, serious concerns remain over the lack of protection for those who may be misled as to the legal status of these 'marriages'. **All parties should be fully and provably aware of their situation.** There may even be a case for expanding the offence of bigamy to catch both formal and informal polygamous marriages, as well those who conduct them.
- Couples should nevertheless be free to 'marry' purely in a religious sense, provided their decision is based on an informed choice to opt out of legal protection. **If couples desire a religious-only marriage, which is not recognised as a matter of law, it is essential that they are made aware of the consequences that flow from it**, including deprivation of the protections of

family law and a lack of entitlement to financial support upon the breakdown of the relationship.

- We agree there should be consequences for misleading a couple as to the effect of a ceremony. **The suggested criminal offence in paragraph 10.170 is well-defined**, although a more targeted offence may be necessary to deter against malpractice and to clarify – beyond doubt – how vulnerable women entering a religious-only marriage will be protected from ignorance or deception.

We hope your final report will promote a meaningful and rapid response from the Government, including the introduction of legislation to simplify weddings law and to address the suffering endured by so many Muslim women.

Yours sincerely,

Baroness Cox (Crossbench)
Lord Carlile of Berriew (Crossbench)
Pauline Latham MP (Conservative)
Lord Dholakia (Liberal Democrat)
Baroness Lister of Burtersett (Labour)
Lord Desai (Non-affiliated)
Lord Alton of Liverpool (Crossbench)
Baroness Massey of Darwen (Labour)
Lord Mackay of Clashfern
(Conservative)
Lord West of Spithead (Labour)
Heather Wheeler MP (Conservative)
Viscount Bridgeman (Conservative)
Baroness Eaton (Conservative)
Lord Field of Birkenhead (Crossbench)
Lord Vinson (Conservative)
Sir Edward Leigh MP (Conservative)

Lord Singh of Wimbledon (Crossbench)
Sir Charles Walker MP (Conservative)
Baroness Fookes (Conservative)
Baroness Finlay of Llandaff
(Crossbench)
Craig Whittaker MP (Conservative)
Lord Kalms (Non-affiliated)
Lord Green of Deddington (Crossbench)
Philip Davies MP (Conservative)
Sir David Amess MP (Conservative)
Lord Swinfen (Conservative)
Lord Tebbit (Conservative)
Lord Carey of Clifton (Crossbench)
Jim Shannon MP (DUP)
Andrew Rosindell MP (Conservative)
Lord Rowe-Beddoe (Crossbench)
Lord Warner (Crossbench)

From: [REDACTED]
To: [Weddings](#)
Subject: A reformed law of weddings
Date: 19 December 2020 12:40:31

Please don't change the law to 'modernise' marriage and the wedding as you have proposed.

Sadly I feel that in Britain we are now undermining historic and established values and solid foundations and replacing these with an 'anything goes' and a 'Why not?' society where people are uncertain about what truth is, what are the values that we should maintain and what actually is right and wrong? Currently having our own opinions as to what is right and wrong seems to be the crux of the problem - everyone makes up their own mind - everyone's opinion being correct and acceptance of that opinion being a requirement – tolerance.

Get married where you like and say anything that you fancy at that 'party' does not enhance the seriousness of the commitment being made. We want marriages between a man and a woman as an established platform for society and for procreation cementing families. It has worked for centuries - we should be reinforcing the 'seriousness' of the occasion, not reducing it to a farce.

It is inevitable, isn't it. that my comments will be ignored (have you actually read all this?) and whether millions respond saying we should retain the status quo, it will still be ignored as there will always be a minority saying we should 'move with the times' and the fear of upsetting people is something our society is not prepared to do so we get the society you crave for - again, 'anything goes' and a 'Why not?' Stick up for established principles.

Sure you've read all of this email and all the others? If you don't what is the point of a consultation.

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Amendments to "Marriage"
Date: 19 December 2020 09:53:48

Dear Sirs and Madams

I do not understand the desire to tinker with marriage which is defined as a lifelong commitment between one man and one woman.

Marriage gives a sense of security to the couple involved and is also the most satisfactory answer to the safe, secure and loving method of nurturing the children of such a union.

Any alternative arrangement to marriage should be covered by a Civil Partnership.

If ever the phrase, "If it ain't broke, don't fix it", were to apply, this is a classic example.

Any move to "water down" the importance of a proper marriage is dangerous and wrong.

Do not sanction it.

Yours faithfully

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: wedding consultation
Date: 21 December 2020 15:21:17

Response from [REDACTED]

Marriage Law Consultation

My wife and I have been married now for over 61 years and we have a family of four children and five grandchildren and therefore feel that I have enough practical experience to respond to your consultation.

Marriage should be a serious lifetime commitment as it is in our case and has major repercussions in life. Couples should be taught to take marriage seriously, for example marriage has consequences on the inheritance of property upon death. Many of those who marry in haste repent at leisure. Marriage in practice is the joining together of two families, and not just two people. These days many couples seem to be unaware of this nor recognise it nor put it into practice.

There has been a huge amount of social change in life in England over the past fifty years and I suggest that this an extremely good reason why marriage law should remain constant and unchanging. There is much merit in constancy. Couples have been getting together to breed and rear children since the world began, thus social changes over the last fifty years are not of itself any reason to change marriage law.

It is suggested that some find present marriage requirements too restrictive. I would point out that these requirements are not so restrictive as to prevent 242,842 couples marrying in 2017. (ONS latest release).

It is suggested that some couples follow their religious marriage traditions without realising that they do not have the protection of a legal marriage. I suggest that it is the responsibility of the person conducting the marriage to remind couples that that although they have participated in a marriage ceremony they are NOT legally married, according to the law of the land. I understand that it is against the law for a conducting officer to officiate at a wedding and not notify the marriage registration officer. One has to ask why this state of affairs is permitted in this day and age.

Just as it is necessary to attend in person to register a birth or death it should continue to be necessary to attend in person to register an intended wedding. The phrase "hatches matches and despatches" comes to mind.

It is suggested that there should be an option to marry other than at a religious ceremony or civilly at a register office. I cannot think that there is any other viable option. Civil ceremonies were introduced by the Marriage Registration Act of 1836 and this is still in

practice. I am unable to see what other options are required.

It is suggested that as couples cannot marry outdoors at present this is an obstacle of some sort. I disagree and suggest that weddings held outdoors are at the mercy of the weather, after all we are dealing with the weather in the United Kingdom. I fail to understand how this suggestion can be taken seriously.

It is suggested that weddings should not have prescribed words. May I point out that a wedding is a legal contract between two persons. In law certain words have acquired a precise meaning and thus the use of such language provides legal certainty, a desirable position to have.

There is much more to marriage and the state of society that I might write about, but there is enough evidence of the importance of marriage for the stability of society available from a Google search.



LAW COMMISSION: GETTING MARRIED: A CONSULTATION PAPER ON WEDDINGS LAW

FAMILY LAW GROUP OF THE BOARD OF DEPUTIES OF JEWS' RESPONSE

22 DECEMBER 2020

Introduction

We are most grateful for the opportunity to have attended roundtable meetings on 12th October 2020 where the general consultation questions were explored as well as two further such meetings on 26th October and 3rd November when the specific aspects of religious weddings were explored.

The group has the benefit of representation from those in Scotland too, which enables us to have the benefit of experience of some aspects of what has been enacted there and are now proposed for England and Wales.

Our written responses relate to certain specific questions and focus on the issues of particular interest to the wider Jewish community. We recognise that, in essence, the intention of the Commission enables the current Jewish wedding, as a combined religious and civil ceremony, to be extended to other religious groups. The most extensive aspects of the proposed changes relate to preparatory steps ("preliminaries"); who can officiate at weddings (including who authorises such officiants to take on their duties) and enable all weddings to take place anywhere where the couple and officiant agree. The Board of Deputies (BOD) broadly supports all the recommendations save where we have made comments to the contrary.

By way of clarification only, we can confirm that the synopsis at paragraphs 2.110 to 2.124 of the current law (pages 54 to 58) are agreed and accurately reflect the current practice in the Jewish community. To reemphasise, a Jewish marriage continues to be only between two persons professing the Jewish religion.

Preliminaries

The BOD largely supports all the suggested proposals and understands that it is proposed that in future, the process will be a little more frontloaded.

We agree that there should be no need for couples to be resident for seven days to be able to register a forthcoming wedding. Giving 28 days' notice of a wedding is sufficient and being able to register online is sensible and takes account of access to technology. The minimum time between the in-person interview and being able to celebrate the marriage should be not less than three days.

This is so there is some time for the parties to reflect on matters but also so that the visit can be combined as part of any wedding trip if the parties are travelling to England to marry.

Interview

While it may be possible for any interview between the participant and the registration officer to take place remotely (post or online), in-person interviews should be required in all but the most exceptional

circumstances to avoid (or at least reduce the risk of) sham or false marriages and properly to assess the capacity of either party and their consent to the marriage. We believe it is vital that an in-person meeting takes place. This is the best opportunity for a registration officer to assess the consent of each of the parties to a marriage. A transparent process to include a list, open to the public, of weddings where notice has been given, details of who the proposed officiant is to be and a schedule of weddings celebrated is supported.

It cannot be overstressed to the Commission how thoroughly the current religious “preliminaries” are checked to ensure that those “professing the Jewish religion” are able to marry according to Jewish usages after giving notice to the registrar’s office. The question of status of each of the individuals and the checking to ensure that it is not a prohibited marriage in accordance with Jewish law (“*halacha*”) are stringent. Jewish preliminaries and will be retained irrespective of any civil changes proposed.

The role of the officiant

There is some concern that there is a possibility that someone might be authorised as an officiant and may satisfactorily be able to ensure that:

- parties give express consent to marry each other; and
- two witnesses attend; and
- the schedule of marriage is signed by both parties

but this person may not be in a position to satisfy the Jewish religious authorities that a religious wedding has been conducted and so we envisage that those who currently hold the role of secretary for marriages will become officiants and Rabbis or those making the religious enquiries will continue to fulfill their role.

What should accompany such a shift towards a more homogenous set of preliminary checks, is for all wedding celebrants to have the same comprehensive and compulsory civil training/education or information session. We propose the same basic training for all couples with add ins if professing to adhere to a religion, so that on such an important issue of status all celebrants understand prior to the wedding itself what they are doing:

- the status of religious marriage and how can they leave it / end it;
- the status of civil marriage and how can they leave it / end it;
- what are the financial consequences of this step and what happens if they leave it/end it;
- responsibilities as parents.

Individuals should be educated and aware of what they are entering into before the wedding. The BOD would be able to produce and keep updated an information pack on the impact of entering into Jewish marriage.

Each celebrant should receive information which would cover civil and religious information in a language of choice that is understood. That is what we insist upon in England and Wales for consumer credit agreements. Marriage is a far more important step and it should be entered into with full knowledge.

Religious-only weddings

It will always be possible as a human right, for an individual to practice a world religion and to enter into a religious-only marriage if they wish to do so but it must be an informed decision and one where the benefits/responsibilities of a civil marriage must be available to both parties.

The BOD concludes that if no notice is given and no schedule is signed, there will be no civil marriage even if someone who happens to be authorised as an officiant carries out the religious ceremony. It is also assumed this would also be the case if an officiant was present at the ceremony as a guest or a family member.

The BOD does not support the contention that marriage should be extended to any ceremonies that purport to be weddings as being construed as both a civil and religious wedding. This line of argument strays into areas outside this consultation paper and is an attempt to right a number of concerns such as the lack of cohabitation law.

Ideally all religious weddings should be preceded by civil preliminaries and bind parties (if they wish to be) both in civil and religious law. However, there still remain some situations where parties cannot marry in accordance with civil law but might wish to religiously (usually to consummate a marriage) in which case this will still be possible whatever the civil law were to say.

There may be other reasons such as polygamy or preventing a second partner from having inheritance claims as a reason not to marry civilly and public policy might therefore insist that not all ceremonies lead to a civil marriage.

Officiants

It is the proposed move from the current system of secretary of marriages (who currently oversee the civil aspects of Jewish marriages and report to the Registrar General of Marriages) to the appointment of officiants which introduces the greatest changes and cause for concern, in particular who can appoint officiants and how they are trained.

The BOD had understood that the current status quo would be maintained but what is proposed by the Commission goes beyond that.

We accept that ceremonies must be attended by an officiant. We understand that the officiant may be someone other than a rabbi/religious leader or the person who will assist in celebrating the Jewish aspect of the wedding. That is what happens now in England and Scotland.

It is agreed that a substitute officiant should be able to act where the officiant has appointed a suitable person and is unable to officiate because of death, serious illness or unavoidable delay.

Temporary officiants

There appears to be no mention of temporary or special authorisation of officiants which had previously enabled a rabbi to travel to England to perform a wedding (officiating being classified as work even if not being paid) and had accompanying immigration clearance to do so (Tier 5 - religious workers). That has also been taken away in Scotland since 2018 and the position post Brexit remains unknown. It is believed that an officiant would still need to attend in these circumstances.

Training of officiants

Officiants will need to be trained before they can act in this capacity. The Commission has suggested that meeting this test would include 'having undertaken relevant training, which could be established in a number of ways, for example, by a person (or office holder) training as, or having performed the role of, a minister, priest, rabbi, imam or other religious official'.

The BOD believes that all officiants should have standard training given via the auspices of the Registrar General and that this function should not be delivered by individual communities or assumed as being known because the officiant has previously carried out the role. The training needs to be

more extensive than that given in information sessions for celebrants. It should be regularly reviewed and updated and, in line with other roles of responsibility, CPD should be compulsory.

Officiants should have safeguarding training and a higher DBS check than teachers (especially if they are to marry celebrants between 16-18). If they are dealing with issues of capacity, coercion, they should have diversity training. They should have no criminal record.

How officiants are chosen

This is a complex area. It is understood that the status quo has many aspects and anomalies that have arisen historically. At para 5.73 the Law Commission reports that looking at the approaches taken in other jurisdictions, there are three broad approaches that could be used to authorise officiants:

- recognising the office holders of specific groups as officiants;
- allowing certain types of groups to nominate officiants; and
- allowing individuals to apply to be authorised as officiants.

The Commission proposes therefore that there would be 5 types of officiant:

1) *Registration officers*

They would deal only with civil weddings. The BOD understands that there will be many who want such a service and some Jewish couples who will do so too and who do not wish to have a religious ceremony or who wish to have separate ceremonies.

2) *Anglican clergy*

No comment.

3) *Nominated officiants*

It is proposed that religious organisations would be able to nominate officiants to conduct weddings in accordance with their rights, beliefs or rules. A 'religious organisation' would have to fall within the description of a religious body given by the Supreme Court in the case of *Hodkin*¹:

"A spiritual or non-secular belief system, held by a group of adherents, which claims to explain mankind's place in the universe and relationship with the infinite, and to teach its adherents how they are to live their lives in conformity with the spiritual understanding associated with the belief system."

Religious organisations would further be required to have:

- at least 20 members who meet regularly for worship or in furtherance of their beliefs; and
- a wedding service or a sincerely held belief about marriage.

Nominations for officiants could be made by an organisation's relevant governing authority to the Registrar General's office and a fee paid.

The Jewish community and its religion as currently represented satisfies these criteria.

¹ *R (Hodkin) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77, [2014] AC

At present the Registrar General of Marriages has not had to navigate a communal labyrinth to determine whether or not a Secretary for Marriages meets the relevant criteria. They have enjoyed the support of the Office of the Chief Rabbi (via the BOD), The West London Synagogue and Liberal Jewish Synagogue which have acted as the pivot between civil marriages and religious marriages both in England and Wales as well as for those choosing England as a destination for Jewish weddings. It has worked efficiently and well for the community and for the Registrar General.

If celebrants have wished to be married by an officiant not known to these organisations, they have made enquiries or have ensured that a secretary for marriages has carried out the civil functions. In Scotland the Scottish Council for Jewish Communities (SCoJeC) have a concordant with NRS for SCoJeC to check the bona fides of an officiant and report back to NRS. The BOD would consider playing such a role.

There are a number of concerns in this area. The first concern arises as to whether it is the intention of the Commission to extend the 'religious body relevant governing body' and if so in what way. Without some close oversight, individual synagogues, outreach organisations (these are groups which encourage greater observance among those they consider to be Jewish), youth movements etc. might satisfy the current definition of 'religious organisations' either in their own right or through their denomination of synagogal body and nominate their own officiants. Currently all such groups channel requests made of them through the existing bodies who ensure that the secretary for marriages officiates, e.g. an outreach movement operates under the auspices of the Federation of Synagogues which in turn operates under the Office of the Chief Rabbi.

In future, without such clear oversight, there would be an increased risk that officiants might not actually meet the criteria for civil or religious competence to carry out a religious or civil wedding and might exacerbate the risk of there being a religious but not a civil wedding. It was described well as 'marking your own homework'².

Secondly, many couples currently become members of synagogues to enable themselves to be allowed to celebrate a marriage under the auspices of the existing institutions although any lack of funds to pay for membership has not been used to prevent a wedding taking place.

This paper should focus on but be limited to proposed legal change. The Jewish community is aware that there are some, possibly, unintended consequences, of the proposals that have a commercial impact upon existing communities of which the Commission should be aware.

The income that weddings bring via the existing institutions are linked to their survival and pay towards the overheads of those organisations. The widening of the scope in this area (whether as nominated officiants or as independent officiants see below) might inadvertently and unintentionally jeopardise their stability irrevocably rather than enabling greater clarity or freedom of choice.

The BOD considered and discussed at length:

- maintaining the status quo –

A) Office of Chief Rabbi recognises congregations that belong to the Federation of Synagogues, the Spanish & Portuguese communities, the Union of Orthodox Hebrew

² 610 at [57], by Lord Toulson.

Congregations, the United Hebrew Congregations, and some Masorti Synagogues; for which the BOD then registers Secretaries for Marriage;

- B) The West London Synagogue (WLS) recognises their constituent congregations of the Movement for Reform Judaism and register their Secretaries for Marriage, and some Masorti synagogues. (The WLS recognises congregations that carry out same sex marriages).
 - C) The Liberal Jewish Synagogue (LJS) recognise the constituent congregations of Liberal Judaism and register their Secretaries for Marriage, (The LJS recognises congregations that carry out same sex marriages).
- Traditionally Masorti congregations have sought the recognition of the Chief Rabbi, but those congregations that wish to officiate at same sex weddings are now looking to the West London Synagogue for recognition. The Masorti Movement aspires to be able to recognise its own congregations similarly to the ability that the Movement for Reform Judaism and Liberal Judaism now have.
 - Extending the definition of religious organisations so that others could nominate officiants and be able to organise weddings themselves e.g. Federation of Synagogues or Union of Orthodox Hebrew congregations or Masorti Judaism without having to go through Office of Chief Rabbi.
 - Allow separate synagogues to go it alone - the loss of revenue to current religious authorities would be significant and the risk it presents to the Registrar of Marriages is the greatest as there will be little, if no, oversight.

On balance, the Jewish community believes that the nominating bodies for individuals to act as officiants should remain as they are rather than widening the pool of potential nominating bodies if such a widening would include almost all communal bodies to step in and start operating. Such widening of the definition will not encourage more Jewish people to marry but it is extremely likely to increase disproportionately the risks on who acts as officiants and in turn the extent into which valid marriages (religious and civil) are entered.

4) independent officiants see para 5.146 of Law/Commission paper/Question 4.26 and 4.27 (if authorised by the Government)

The BOD has the greatest concerns on this particular proposal and rejects it. It believes that it is a step too far and may commoditise marriage. Any individual could apply to the general registry office for authorisation. Whilst it might not be that difficult to demonstrate that each were fit and proper persons to officiate at civil weddings, whether they could carry out the role of assessing whether a religious wedding could take place might be very different.

5) Maritime officiants

It is confirmed that maritime officiants would be able to marry at sea or at a Ministry of Defence property for Jewish celebrants

The Jewish community will want religious leaders or those able to satisfy themselves as understanding the religious obligations of the wedding service to be authorised officiants but may include this within their own "preliminaries" and delegate those powers to other wedding secretaries.

Words of consent in the wedding ceremony

The BOD is satisfied that while in some Jewish ceremonies prescribed words of consent may not be given (rather the giving of and receiving of the ring may suffice), it is still essential for civil marriage purposes for the officiant to be satisfied that consent to a civil marriage is given face to face when checking within the preliminaries. We have no objection to words of consent being given at the ceremony itself, probably before or after the religious ceremony.

Same sex marriage

It is helpful to confirm (para 3.45) that religious organisations can only conduct same-sex marriages if they opt into doing so. The status quo continues in this area.

The BOD is satisfied that each constituent group of the Jewish community will still be able to impose their own requirements about which weddings they will or will not conduct and the content of those ceremonies by opting in to do so. For instance, currently only Liberal Judaism and the Movement for Reform, and some Masorti Synagogues carry out same-sex weddings.

Location of Weddings

Proposals to extend weddings to a wider range of locations should have no impact upon the Jewish community as we are currently able to do so at present but if the officiant is to have to agree whether or not the location is safe and dignified, that appears to restrict the current status quo which is unwelcome.

Validity

The BOD accepts the proposal that if both parties fail to give notice of the marriage or the wedding takes place outside the authorised time frame or both parties knew that the ceremony was not officiated by an authorised officiant, that it will be void.

The BOD accepts that a ceremony will be non-qualifying for civil purposes if one or both parties fail to give notice and both knew the ceremony was not officiated by an authorised officiant or one or both parties did not express consent to the marriage.

There are general evidential concerns as to proof of (i) what one or both parties knew of the officiant or (ii) the effect of the ceremony or (iii) that an officiant deliberately or recklessly misled either or both of the parties about the legal effect of the ceremony (for instance indicating that they were married both civilly and in accordance with religious law).

The commission is reminded that the legal validity of the Jewish religious marriage will always remain a question of Jewish law (halacha).

It is not anticipated that these proposals will impact upon the number of Jewish marriages entered into nor increase the number of those to be determined as void or valid but we recognise that it may impact upon other religious communities. The BOD supports and sees as desirable that the more clarity and certainty that is brought to the arena is to be welcomed.

Weddings during the pandemic

In line with the rest of the country, many weddings were postponed during lockdown. When marriages were not able to take place then all secretaries for marriages had to explain to the couples that any marriage that they purported to enter into would be religious only and would therefore not bring with it any civil obligations or claims and that they would require a *get* (Jewish divorce) to be able to remarry again in accordance with the usages of the Jews.

Some parties travelled abroad where lockdown was not in place to marry. Once weddings were allowed again civilly, many were still postponed because the celebrations were limited to 15/30 people. Others have chosen to marry so that they may consummate the marriage and live together.

From: [REDACTED]
To: [Weddings](#)
Subject: Wedding venue proposals
Date: 22 December 2020 10:17:10

Dear Sirs,

I have recently read your proposals to alter the law as far as weddings are concerned. Doubtless at the request of a tiny tiny but loud majority of people who want to marry in a "crazy location" of some sort. Frankly it looks "bonkers". A wedding is a very serious act between two people (I would definitely say between a man and a woman too having read of chaotic situations developing amongst same sex couples - but that is a different issue and one I already see falling apart locally.)

If HMG is to trivialise marriage and wedding locations ..they will get, I submit, a situation develop whereby any "commitment" between two people is also trivialised ... with subsequent negative implications for the next generations (and the next election too!)

I trust common sense can prevail before these suggestions are taken any further.

Kind Regards

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Law Commission consultation plans on Wedding law
Date: 22 December 2020 13:23:38

We wish as Christians to register our opposition to the Law Commission consultation plans to change the Wedding Law in England and Wales.

Weddings should continue to be serious with a registrar for church weddings as the church where we worship requires one.

We are against any change in the wording of the wedding ceremony and weddings should only take places in registered buildings.

The dignity and seriousness of marriages should be kept and we oppose any changes that damage these important distinctives.

[REDACTED]

Yours sincerely

[REDACTED]

Sent from my iPad

From: [REDACTED]
To: [Weddings](#)
Subject: Changes to the wedding laws
Date: 22 December 2020 11:16:25

Dear Sirs,

I am wondering how many more laws are going to be changed to enable citizens of the U.K. to do exactly what they want to do, when they want to do it. Marriage is supposed to be a lasting commitment of one man to one woman. It is and always has been a joyful but solemn and dignified ceremony witnessed by family and friends, and overseen by an official registrar. To change that would mean that other laws that safeguard both parties will also have to be changed, all of which will involve needless changes in paperwork and personnel time, all of which will cost Government money that could be spent more profitably.

At this moment in time, when we have a very serious pandemic ravaging our country, and we are at the end of the transition period of Brexit – is it really so important to disrupt the country more by changing the wedding laws. There are already illegal marriages taking place in parts of this country – perhaps if people want to live in this country, they should respect our laws which should also be enforced.

Part of the reason for Brexit is because the citizen's of the U.K. are fed up with being controlled by other countries and their laws.

If this change in the law was brought to the country to decide, I think you would find it would be defeated. Unfortunately, that will not happen.

[REDACTED]

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From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Weddings law proposed changes
Date: 22 December 2020 17:22:56

Have you ever stopped to consider the motivation behind this proposal?

[REDACTED], in the mid 1920's put forward a 10 point plan to disrupt and destroy the Judaeo/Christian culture.

Out of the resulting chaos would rise a New World Order.

Every one of the 10 points is largely fulfilled – please take a good look at these – **particularly POINT #5:-**

POINT #1: TAKE GOD AND PRAYER OUT OF THE EDUCATION SYSTEM

She said: “Change curriculum to ensure that children are freed from the bondage of Christian culture. Why? Because children go to school to be equipped to face life, they are willing to trust and they are willing to value what is being given to them. If you take God out of education, they will unconsciously form a resolve that God is not necessary to face life. They will focus on those things the school counts them worthy to be passed on and they will look at God as an additional, if one can afford the additional.”

POINT #2: REDUCE PARENTAL AUTHORITY OVER THE CHILDREN

She said: “Break the communication between parent and child.”

(Why?) So that parents do not pass on their Christian traditions to their children, liberate children from the bondage of their parent's traditions.

(How?) a) Promote excessive child rights; Child rights legislation – UNICEF Charter; Today a child is able to say to parent ‘I do not want to hear that, I don’t want to (or have to) do what you are telling me. If you beat me I will call child protection services.

b) Abolish corporal punishment; (this has been made law). On the other hand the Bible says ‘Do not withhold correction from a child, for if you punish them with a rod, they will not die. Punish them with the rod and save them from death.’ (Proverbs 23: 13-14) Educators are no longer able to discipline children physically [in some cases by talking to them either]. (

NOTE: Jesus said in the last days – wickedness will increase, there will be rebellion and children will not obey their parents. It is not a trend-it is organized (Matt 10:21)

c) Schools are the agents of implementation (because where do most children spend most of their awake time?) – teachers tell children "you need to discover yourself"; self expression, self realization, self fulfillment are all buzz words.

POINT #3: DESTROY THE JUDEO-CHRISTIAN FAMILY STRUCTURE OR THE TRADITIONAL CHRISTIAN FAMILY STRUCTURE

She said: “Liberate the people from the confines of this structure. It is oppressive and the family is the core of the nation. If you break the family, you break the nation.”

(Why?) So that the youth will not grow up with a sense of belonging, identity or structure.

(How?) a) Promote sexual promiscuity – free young people to the concept of premarital sex, let them have free sex, lift it so high that the joy of enjoying it (sex) is the highest joy in life, fantasize it, that everybody will feel proud to be seen to be sexually active, even those outside of marriage.

b) Use advertising industry, media – T.V., magazines, film industry to promote sexual enjoyment as the highest pleasure in humanity. (Propaganda)

Have they succeeded? Have they done it? If you want to see whether they have succeeded or not, go to the advertising industry, it does everything to catch your attention and today almost no advert comes out without a sexual connotation. Even when they advertise ice cream, they must show you a thigh of a woman and a bikini, they must do something to set off a trail of thoughts. They will show you more thighs than ice cream. Even pine-sol is sexy these days! Why? Because, that is what must be in the minds of the people.

POINT #4: IF SEX IS FREE, THEN MAKE ABORTION LEGAL AND MAKE IT EASY

She said: “Build clinics for abortion and put health clinics in schools. If people are going to enjoy the joy of sexual relationships, they need to be free of unnecessary fears. In other words, they should not be hampered by unwanted pregnancies and diseases.”

‘Abortion as told by Christians is oppressive and denies our rights, we have a right to choose whether we want to have a child or not. If a woman does not want the pregnancy, she should have the freedom to get rid of that pregnancy in the easiest and painless way possible’. Besides, if you carry the unwanted pregnancy, then give them up for adoption, that system is so unkind to them - so just get rid of them and spare them that life and the hindering of yours.

*This also ties into the strategy to curb population control together with the use of condoms and ‘pill’ (Eugenics).

POINT #5: MAKE DIVORCE EASY AND LEGAL, FREE PEOPLE FROM THE CONCEPT OF MARRIAGE FOR LIFE.

She said: Love has got a mysterious link called the love bond. It is like an ovum that comes out of the ovary, as it travels through your system, it clicks a love favour in you and there’s one other person in the world who can respond to that love bond, when you see that person, everything within you clicks, that is your man/woman, if you miss him, you’ll never be happy until that love bond cycles past, for many years, so for you to be happy get that person at whatever cost. If it means getting him/her out of that marriage, get him/her that is your man/woman. It’s a mistake for him/her to be elsewhere. And if you go together for some time and find that love has died, don’t be held in bondage by the Christian values. It will never come back, what you need is an easily arranged divorce and allow another love bond to come forth, just like an ovum comes up, and when it comes forth you’ll enjoy life again.

Why? So the youth will not feel they must stay tied down to one person. This will also promote multiple sex partners. We must be free to enjoy life, not tied to one person for eternity. This will also produce broken homes and possibly broken children who will carry the brokenness forward.

How: Degrade the value of marriage over time. Decrease the difficulty of getting a divorce by advertising divorce law and making it an easy and understandable process to obtain one.

Note: People ENTER into marriage having signed contracts of how they will share their things after divorce. In other words, people enter with one foot and another behind. Divorce is way more common today than it was, say, 50 years ago. Marriage is now treated like a high school relationship - easy come...easy go.

POINT #6: MAKE HOMOSEXUALITY AN ALTERNATIVE LIFESTYLE

She said: Enjoying sexual intercourse is the highest pleasure in humanity. No one must be denied or restricted in how to enjoy themselves. People should be allowed to experience sex however they want, whether it is homosexuality, incest or bestiality, as long as the two agree.

WHY: to demolish the restraint of tradition that establishes sex between a man and woman, to further the agenda of population control, to abolish creation roles and to incorporate the satanic mantra "do what thou wilt"

HOW: Preach tolerance and acceptance. Give the homosexuals a voice in numbers, as the numbers grow: tolerance and acceptance will too. Pass laws and implement legislation that legalizes gay marriage and shuns "hate speech". Silence the voice of the preacher in the pulpit through 501c3. Put it everywhere it is now forbidden: on tv, on billboards, in church. Advertise it! Encourage foods that increase oestrogens in males (like soy). Males will no longer grow to be strong fathers in a traditional home as they will have no desire to lead.

POINT #7: DEBASE ART, MAKE IT RUN MAD

She said: The arts are one of the primary keys to changing culture.

WHY? To break down social norms of what is acceptable and forbidden. To encourage creative expression of self outwardly and inwardly in whatever way is pleasing to the individual. To corrupt the minds of the youth into accepting what was once forbidden as normal.

HOW? Promote new forms of art which will corrupt and defile the imagination of people because art is the language of the spirit, that which is inside, you can bring it out in painting, music, drama etc.

Note: Look at the quality, spirituality and message of the art, music and the films that are coming out present day and think about how that has changed drastically (and in provocative ways) throughout history.

POINT #8: USE MEDIA TO PROMOTE AND CHANGE MINDSET

She said: The greatest way to change human attitude is media (again, the arts).

WHY: To foster groupthink around normalizing deviant behavior; to encourage pleasure over social norms; to revise the social norms in accordance with the NWO.

HOW: Use the press, the radio, T.V, cinema, any form of public media to influence people in the way you want them to think! Break up the traditional home by using media to encourage females to be independent and to "have their own" or to "not need a man". This will further deteriorate the traditional "long-term" family structure.

Note: So much money is pumped into media and advertising and the spreading of violence, pornographic material and other sources. Sex outside of marriage is thrown in your face 80-90 times

more than sex in marriage through media. Promiscuity is being promoted as natural, you watch gay sex on T.V. in homes where children's minds (and yours) are being neutralized to sensitivity to these things. Everything is promoted in a sensual way, even pine sol is advertised on tv by using sex! So those who believe it is just art, it is art, but with an agenda!

POINT #9: CREATE AN INTERFAITH MOVEMENT

SHE SAID: "Promote other faiths to be at par with Christianity, and break this thing about Christianity as being the only way to heaven, by that Christianity will be pulled down and other faiths promoted."

WHY: To increase the levels of tolerance & acceptance among man that all religions are equal thereby promoting a false peace; to employ the thought that all religions/spirituality lead to God; to lay the groundwork that will usher in the one-world religion

HOW: promote the importance of man in determining his own future and destiny" – HUMANISM.
"Tell man he has the right to choose what he wants to be and he can make it happen, he has the right to determine his cause."

POINT #10: GET GOVERNMENTS TO MAKE ALL THESE [POINTS] LAW AND GET THE CHURCH TO ENDORSE THESE CHANGES.

SHE SAID: "the church must change its doctrine and accommodate the people by accepting these things and put them into its structures and systems."

How?: mainly through the implementation of the points 1-9 and 501c3s. Convince people to grow numbers and the rest will come.

why? To usher in the new world order in an almost seamless effort.

Have they succeeded?

Today, some may wonder why our governments are legislating laws contrary to the Bible and why the church is compromising the Word of God. It is the process of implementing This 10 Point Plan - A 50 year strategy of the NWO to fulfil its ultimate goal to establish a One World Government, a One World Economic system and a One World Religion. Today the strategy, almost in its entirety has been adopted by the United Nations and today a lot of it is already law in many nations. This deception has crept up by increments, unobserved by most people.

It can best be demonstrated through the well-known analogy of the frog in the pot of water. If you put a frog in a pot of boiling water, it is smart enough to know that it is in terrible danger and will immediately jump out to safety. But if you turn up the heat very slowly, a little at a time, it doesn't notice the changes that are taking place and will slowly cook to death. Many people today are slowly cooking to death and don't seem to realize how far they have come from where they once were.

It is interesting to note that ██████████ was a well-known affiliate of freemasonry in her day. ██████████, a freemason you should research, referred to Freemasonry as the 'custodian' or special guardian of these occult secrets and revealed the hidden agenda of his institution, the forming of a Luciferic One World Government.

A chilling reminder about killing a frog!



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From: [Weddings](#)
To: [REDACTED]
Subject: RE: Weddings Law
Date: 04 January 2021 09:23:00

Dear [REDACTED],

Thank you very much for your email, concerning the Law Commission's provisional proposals for reform of weddings law, published in our *Getting Married* Consultation Paper. We will treat your comments as a consultation response, meaning that we will take them into account as we develop our final recommendations for reform, after the consultation period. If you do not want us to treat your comments as a consultation response, please let us know.

Your comments will be handled in line with our [Privacy Notice](#). Consultation responses are most effective where we are able to report which consultees responded to us, and what they said. We may quote or refer to your comments, and attribute them to you, in future publications, unless you request that they be treated as confidential or anonymous. We may be required to disclose your comments, such as in accordance with the Freedom of Information Act 2000.

Yours sincerely,

[REDACTED] | **Law Commission**

Research Assistant | Property, Family and Trust Law Team

1st Floor, Tower, Post Point 1.52, 52 Queen Anne's Gate, London, SW1H 9AG (access via 102 Petty France)

[REDACTED] | Web: www.lawcom.gov.uk

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-----Original Message-----

From: [REDACTED]
Sent: 22 December 2020 10:11
To: Weddings <Weddings@lawcommission.gov.uk>
Subject: Weddings Law

Dear Sirs,

A wedding is not a joke. We already have a huge divorce rate. If you simplify weddings so that no vows are made, it may increase the ease and therefore the number of weddings and marriages but also increase the level of divorce, given the lack of serious vows.

Please don't make a mockery of marriage.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: CONSULTATION ON WEDDINGS LAW !
Date: 22 December 2020 21:40:00

Sir/Madam,

I must protest very strongly at the proposals to alter the law on this Institution.

It is not so much a "dumbing down" on this great Institution, but rather a "belittling" of what should be the bedrock of any sound society, indeed the foundation of every community worth anything, particularly for securing a loving & secure environment for bringing children into the world & giving them a sound basis for their lives.

Indeed, it was founded by God Himself for His Creation, and was clearly supported by the Lord Jesus Christ in Mark 10:1-12, where He also clearly denounced divorce. It should therefore be treated & entered into with all reverence & seriousness. Government has a duty to encourage & support this approach to protect a thriving community & society, probably sadly the main reason we currently see our nation so broken & so many young people damaged & caught up in immorality. Please think again, as we will all be answerable for our actions. Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Date: 24 December 2020 15:51:46

Weddings and divorce

Limited for time, but please note that the diminution of the meaning of marriage is that there will be far more children for the state or local councils to look after and (especially men) will be irresponsible towards their partners and family.
No one will feel secure in marriage with a 6 month either to choose law.

Please recommend no action in this.

Yours

[REDACTED]

From: [REDACTED]
Sent: 30 December 2020 13:15
To: Weddings
Subject: Marriage Act Review

Dear Sir/madam

I am writing to you as [REDACTED] of the Association of Independent Celebrants (AOIC) and in response to the Law Commission Review on the Marriage Act.

The AOIC is a member of the Wedding Celebrancy Commission (WCC) and as such has worked with colleagues in that group. The AOIC fully support the answers given by the WCC and cannot add anything further to the review.

[REDACTED] AOIC

From: [REDACTED]
Sent: 04 January 2021 11:03
To: Weddings
Subject: Law Commission's consultation on wedding law

Response made by an individual

NO REGISTRARS AT CHURCH WEDDINGS

The suggestion to replace Registration Officers at weddings should not be pursued. Currently Registrars are trained persons to ensure that procedures are followed at ceremonies. This ensures that the prescribed wordings are included and the signing of the register is correctly completed. Abolition of these Officers would allow Independent persons to apply to be on the register making this appointment a possible 'commercial appointment'. This would also minimise the potential training to such individuals. It is important that the legality and importance of a marriage ceremony should be maintained.

SCRAPPING 'OPEN DOORS'

Ceremonies should be required to be in the public domain as this makes clear that such events are important to society in general and not just a private affair. It also emphasises the importance of marriage both to the couple and to society. Making ceremonies public also helps to avoid forced marriages and bigamy.

ABOLISHING PRESCRIBED WORDS

The words required currently in the marriage ceremony should be maintained. Marriage is founded on solemn promises made between two parties to be relevant for life. Absence of such words can encourage such a ceremony to be casual and of little relevance for the longer term.

I trust that these observations will assist in your consultation.

[REDACTED]

Getting Married: A Consultation Paper on Weddings Law

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>

CHAPTER 1 – INTRODUCTION		
Q1	We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so: (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out? (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)? (3) have you experienced any	N/A
Q2	We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.	N/A
Q3	We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.	<p>The inability to extend current Notices beyond their 12-month validity has caused a great deal of additional cost and inconvenience for a large number of our couples, as they have had to return to give notice again and this fee has been borne by the Local Authority. To date it has not been possible to marry in 2020 for more than 4 months due to Government restrictions but there has been no allowance of this for customers with notices given.</p> <p>Had there been an opportunity for customers to give notice partly online then it could have allowed for these appointments to resume safely at an earlier stage. These appointments are the longest face to face appointments we have in the service and at 30 minutes per person these appointments are double the Government maximum safe contact time of 15 mins. Whilst</p>

		<p>PPE and cleaning regimes are in place the length of time does pose additional risk.</p> <p>The rapidly changing guidelines from Government especially with regard to ceremonies has caused a great deal of additional work for our ceremonies team and confusion and upset for couples. Receiving little or no notice of changes also means that we cannot prepare for the increase in customer queries and workload as soon as the changes are announced. Customers presume that we have advance notice or additional information and look to registration service as a source of advice and guidance which it has been difficult to give.</p>
CHAPTER 2 – THE CURRENT LAW		
CHAPTER 3 – OVERVIEW OF OUR PROPOSED SCHEME		
CHAPTER 4 – PRELIMINARIES		
Q4	<p>We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished. Do consultees agree?</p>	<p>Yes – the 7-day residency rule is complex to understand by couples (eg what if I travel for work during the 7 days etc) and difficult for those living overseas to arrange a visit with 7 day residency in a district and appointment at the end of that period. The residency can also be made by staying at a friends'/relative's house or in a hotel and therefore does necessarily does not represent their true residency.</p>
Q5	<p>We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate inperson interview at a later date. Do consultees agree?</p>	<p>Potentially. There is scope to include some online elements to the process. But need to build in safeguards – under these proposals there is a lot of emphasis on the checking at Notice stage with a lighter touch at ceremony stage. If there is no face to face element, or if that element was very brief (effectively a 2-minute signing) then there could be difficulty in determining mental capacity, forced or sham marriage.</p> <p>There is a danger that just one party to the marriage would start the first online part of the process without knowledge of the other party. This could then lead to pressure on the</p>

		<p>secondary party to go through with it as process has been started and money paid, especially for vulnerable people, creating safeguarding issues or issues around forced/sham marriages.</p> <p>We recognise through our work that there is a lack of digital access for some customers and other options would need to be fully available.</p> <p>We have also experienced during this pandemic a lack of accuracy when customers are asked to fill in forms online. It needs to be considered how this would impact the second interview and the possibility of errors going through onto the schedules and who would bear the cost of potential corrections.</p> <p>At what stage would the customer have to produce the required documents? There is a danger that this could be left to the second stage potentially close to the ceremony date and without enough time to find alternative documents if needed. Time would also need to be allowed for foreign divorce documents to be checked by General Register Office. Identity and visa documentation are also more complex for foreign nationals. This could potentially risk a ceremony being able to proceed on the preferred date.</p> <p>This 2-stage process could potentially increase the time spent on and hence cost of a notice of marriage.</p> <p>The General Register Office must currently clear many of the foreign divorce documents that are brought to Notice of Marriage appointments, they cannot be done by local registration services. The turnaround time for this is usually 6-8 weeks and customers bringing in documents to the in-person appointment would mean that there would be additional delay before any ceremony could take place.</p> <p>Civil Partnerships also operate the same Notice process prior to forming a Civil Partnership. Would any changes be replicated for Civil Partnerships, otherwise there will be lack of parity and this would raise an equality issue.</p>
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Q6	<p>We invite consultees' views as to whether the minimum period between the inperson interviews and the date from which the couple can get married should be:</p> <p>(1) three days; (2) seven days; or (3) another period of time</p>	<p>(2) Seven Working Days. It allows time for schedules to be issued and in possession of the relevant officiant in good time for a ceremony. Ceremony Registrars in Buckinghamshire will contact couples a few days prior to the wedding and need to know that the wedding can legally go ahead.</p> <p>If there is immigration investigation to be undertaken or concerns re forced marriage or safeguarding issues, time will be needed to resolve these issues before the ceremony.</p> <p>If the in-person appointment date is too close to the wedding, there is a real risk that the couple could miss the appointment due to illness/forgetting/traffic delays and this could then mean the ceremony cannot go ahead.</p> <p>There is also a logistical issue of how couples undertake the first appointment. If they do so online with no prior booking or notification to the registration service, it could cause real issues for the service in anticipating or controlling workload. It could potentially mean that a sudden surge in doing the first stage (eg over holiday periods when people are not at work) would mean that it is difficult to accommodate the in-person meeting in the required timescale. This would be especially true over busy periods for death registrations for example in the winter.</p>
Q7	<p>We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.</p>	<p>No – online/remote interviews will not determine sham or lack of capacity. It is usually the face to face individual talk that reveals such issues. It would also provide no protection for forced marriage – it is unrealistic to say could stop forced marriage at ceremony as this could endanger the forced party. Bringing just those suspected of forced or sham marriages to an in-person appointment would certainly flag up to those perpetrating the sham or forced marriage that there were suspicions.</p>
Q8	<p>We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one</p>	<p>Yes</p>

	of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.	
Q9	We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm. Do consultees agree?	As long as the information displayed online does not result in any data protection issues ie it should be restricted to name and town or district. Other personal information (address, age, etc) being displayed online could result in data protection issues and potential identity fraud. It would also encourage unlawful marketing approaches to the couple.
Q10	We provisionally propose that the schedule should be valid for 12 months from the date of issue. Do consultees agree?	Yes – however we would look for some provision for this to be extended in exceptional circumstances such as pandemic situations.
Q11	We provisionally propose that: (1) the schedule should identify the officiant who will officiate at the wedding; and (2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant. Do consultees agree?	<p>(1) Yes, as long as recognised groups (eg Deputy Superintendent Registrars employed by Local Authorities) can be recorded as a generic group, not as individuals. With couples often booking up to 2 years or even more in advance it allows us to allocate staffing and allow for staff turnover. The couple will not know the names of individual registrars to put on the notice and may be giving notice in a different district to where the wedding will take place.</p> <p>(2) Yes, as long the registration service can charge for this work which could potentially be last minute changes at full cost recovery. There should also therefore be a cut-off date prior to the ceremony when the schedule can no longer be amended and reissued for operational reasons. The schedule could be amended by hand on the day for any last-minute changes.</p>
Q12	We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay.	Yes, as long as the Local Authority is informed so that certificates can be issued correctly, and weddings registered correctly. Who would pay potential correction fees if the officiant fails to provide the information correctly or in a timely

	<p>Do consultees agree?</p> <p>4.101 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.</p>	<p>manner? If being asked to replace schedules the local authority would also need to be able to check that the replacement officiant was authorized to carry out their duties and the couple understand that their marriage will not be legally recognised if not. If changes are made by an independent celebrant, it should be their responsibility to inform the registration service to ensure an accurate registration.</p> <p>No – death, sudden illness or unavoidable delay should cover all reasonable scenarios. Otherwise could potentially end up with couples being pressured or pressuring to change their officiant at short notice for commercial reasons.</p>
Q13	<p>We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales. Do consultees agree?</p>	N/A
Q14	<p>We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed. Do consultees agree?</p>	N/A
Q15	<p>We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.</p>	N/A
Q16	<p>We invite consultees' views as to whether to authorise an Anglican wedding clergy should:</p> <p>(1) have the power to call for documentary evidence and be required to check such evidence; and</p> <p>(2) be required to meet with each of the couple separately, before banns are published.</p>	N/A
Q17	<p>We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage</p>	N/A

	in order for a common licence to be granted to authorise an Anglican wedding.	
Q18	We invite consultees' views as to whether: (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or (2) all weddings should be preceded by civil preliminaries.	1) No. Universal civil preliminaries should apply. This means that the road to the ceremony is the same for all couples and therefore easy to understand and navigate. It creates consistency, provides better control on sham/forced/safeguarding issues and should mean that individual ministers of religion are not pressurized into going ahead with marriages they may not wish to. 2) Yes – Universal civil preliminaries should apply
CHAPTER 5 – OFFICIANTS		
Q19	We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to: (1) ensure that the parties freely express consent to marry each other; (2) ensure that the other requirements of the ceremony are met; and (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed. Do consultees agree?	Yes, there should be an officiant who had a legal duty to ensure that these requirements were met. There should be full cost recovery for the officiant, even if they are not leading the ceremony and they should have full and ongoing training. There should be process in place to ensure that any officiant who is non-compliant faces appropriate sanctions.
Q20	We provisionally propose that registration officers should only be able to officiate at civil weddings. Do consultees agree?	If the principal of Universal Civil Preliminaries is taken then registration officers should be able to officiate at any wedding, regardless of who is leading the ceremony.
Q21	We provisionally propose that only one registration officer should need to officiate at a civil wedding. Do consultees agree?	Yes, though feel that there are occasions where it would be better professional practice to send two for extraneous matters – helping with control at very large weddings and maintaining dignity of the ceremony, out of hours working, lone working issues at new or unknown venues such as private homes, staff returning paperwork especially after dark to unstaffed offices. Should be able to insist on these for health and safety reasons and charge to cover these costs.
Q22	We provisionally propose that clerks in Holy Orders within the Church of England	N/A

	<p>and the Church in Wales should be recognised as officiants by virtue of their office. Do consultees agree?</p>	
Q23	<p>We provisionally propose that: (1) for religious organisations⁸¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and (2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings. Do consultees agree?</p>	<p>1) No - if universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony.</p> <p>If only officiant is permitted, then the religious organisation should nominate their own official.</p> <p>2) No – if universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony.</p> <p>If only officiant is permitted, then the religious organisation should nominate their own official.</p>
Q24	<p>We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in <i>R (Hodkin) v Registrar General of Births, Deaths and Marriages</i>⁸²) as An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system. Do consultees agree?</p> <p>We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.</p>	<p>N/A</p> <p>Yes – all organisations should be on a recognised list</p>

Q25	<p>We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:</p> <p>(1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and</p> <p>(2) a wedding service or a sincerely held belief about marriage.</p> <p>Do consultees agree?</p>	<p>1) No - if universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony.</p> <p>We would expect there to be at least 20 active members to be a legitimate organisation.</p> <p>2) No - if universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony.</p>
Q26	<p>We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) nonreligious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.</p>	<p>No comment</p> <p>NB. If universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony.</p>
Q27	<p>We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.</p>	<p>Yes – for a civil marriage we would expect to be able to nominate officiants by office such Superintendent Registrar or Deputy Superintendent Registrar and this would give parity.</p> <p>NB. If universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony.</p>
Q28	<p>We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.</p> <p>Do consultees agree?</p>	<p>No - if the Government enables religious and non-religious officiants, we propose that it would be more appropriate for the General Register Office to maintain a national list. When taking notice of marriage appointments these can often be for marriages in other districts and a national list would make it much easier to ensure that correct details were entered on the notice document.</p>
Q29	<p>We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be</p>	<p>Yes - if universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony. When taking notice of marriage appointments these can often be for marriages in other districts and</p>

	authorised and included on the public list of officiants. Do consultees agree?	a national list would make it much easier to ensure that correct details were entered on the notice document.
Q30	We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons. Do consultees agree?	Yes, there should be a set and standard criterion of what constitutes ‘fit and proper’.
Q31	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they: (1) are aged at least 18; (2) understand the legal requirements for being an officiant and performing the role; and (3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General. Do consultees agree?	Yes
Q32	We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs. Do consultees agree?	Yes, and this should be managed and overseen to ensure compliance.
Q33	We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding. Do consultees agree?	Yes - if enabled, independent officiants should be subject to universal full cost recovery fee regulations applicable to all officiants. All officiants should be either full cost recovery or able to make a profit - so the same rules apply to all officiants. We do not think an individual should be able to act as both a registrar and an

		independent celebrant as it constitutes a conflict of commercial interests.
Q34	We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be: (1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or (2) nominated by both a religious and a non-religious belief organisation. Do consultees agree?	Yes, if this is agreed by Government, officiants should be limited to one group only. Otherwise it risks conflict of interest and can be confusing for the customer – what ceremony will they get from this officiant?
Q35	We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage. Do consultees agree?	Yes, it is vital that all officiants maintain the same standards in order to ensure that marriage ceremonies are respected.
Q36	We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted. Do consultees agree?	Yes, important to have universally issued guidance regarding the standards and requirements around conducting weddings for all officiants.
Q37	We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them. Do consultees agree?	No – it should rest with the General Register Office as the holder of the list of authorised officiants.
Q38	We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act. Do consultees agree?	Yes
Q39	We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with	Yes. We propose that the General Register Office should manage the officiants.

	the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers. Do consultees agree?	
Q40	We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?	No, it seems to be logical there is a fixed term authorization, subject to renewal. This would ensure regulations (eg having relevant insurance, training and so on) were in place, as with other professional bodies, and a de-authorisation process if inadequate CPD is undertaken. This will also help to keep the list up to date, relevant and remove old details such as membership of deceased or retired officiants, for example.
Q41	We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development. Do consultees agree?	Yes, it would be vital for all officiants to engage in continuing professional development and this should be regardless of how many ceremonies they conduct.

CHAPTER 6 – THE WEDDING CEREMONY

Q42	<p>We provisionally propose that:</p> <p>(1) during every wedding ceremony, the parties:</p> <p>(a) should be required to express their consent to be married to each other, whether orally or otherwise, but</p> <p>(b) should not be required to express that there is no impediment to them marrying each other (with the issue of impediments being addressed during the preliminaries);</p> <p>(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;</p> <p>(3) the schedule (or marriage document) should contain a declaration to be</p>	<p>1. We should maintain the status quo. At the heart of the wedding for most couples is the saying of vows in front of their witnesses and guests. Civil Partnerships give an option for not saying vows. If schedules are issued up to 11 months prior to the ceremony it is possible that impediments may have arisen during this period and so should be checking that couples are free to marry on the day of their wedding. So:</p> <ul style="list-style-type: none"> a. if physically able, customers should be required to orally express their consent b. if physically able, couples should be required to orally confirm no impediment. <p>2. Yes, if it retains a universal expression of consent and confirmation of no impediment so that it is possible to recognised that it is a legally valid ceremony.</p>
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	<p>signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and</p> <p>(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).</p> <p>Do consultees agree?</p>	<p>3. No - parties should sign a declaration, but they should also have orally expressed consent and confirmed that there is no impediment during the ceremony. The declaration alone should not be sufficient for a marriage. There could be issues where the only consent was written especially if one or both parties did not have fluent literacy in English.</p> <p>4. No - the marriage should be formed when the final signature is entered onto the declaration (couple, witnesses and officiant) AND after the couple have orally expressed their consent and confirmed that there is no impediment. All these conditions should need to be met for the marriage to be legally recognised. The signatures confirm the presence of the witnesses and also that it was a recognised officiant undertaking the wedding. If the couple are deemed married before these signatures, then it effectively takes away the need for witnesses or officiant.</p>
Q43	<p>We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.</p> <p>Do consultees agree?</p>	<p>Whilst the form and the ceremony chosen by the parties and agreed to may vary depending on the officiant group, the legal requirement for oral consent and confirmation of no impediment and signing the declaration should be the same for all. This means that all marriages are consistently legally recognizable and will provide certainty to couples and witnesses.</p>
Q44	<p>We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice).</p> <p>Do consultees agree?</p>	<p>As above as long as the officiant follows the same legal requirement for oral consent and confirmation of no impediment, then the form of the ceremony would be up to the individual group.</p>

Q45	<p>We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service. Do consultees agree?</p> <p>We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.</p>	<p>The legal parts of the ceremony should remain secular and as dictated by current civil registration legislation. But unlike now, additional elements such as music and readings with religious content (which in themselves have no legal standing) should be allowed. The General Register Office should provide some clarity around this (eg how many religious elements can be included) so that there is parity across all districts regarding what is and isn't permissible in civil ceremonies. At what point does a civil / non belief ceremony become a religious ceremony.</p> <p>Anything that could be considered critical of another belief system or a recognised protected characteristic should not be allowed.</p>
Q46	<p>We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed. Do consultees agree?</p>	<p>It seems to be a matter of personal choice how couples put their ceremonies together. However, we would need to ensure that witnesses to the wedding and the couple are clear which the legal wedding and what is purely celebratory.</p>
Q47	<p>We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed. Do consultees agree?</p>	<p>The rules regarding open doors should be the same for all forms of marriages and the process for objecting to a wedding should be carried out during the notice period or after the marriage if the legal impediment to that marriage is established later. The requirement for open doors is less practical if venues such as private homes/gardens are to be allowed for weddings.</p>

CHAPTER 7 – LOCATION

Q48	<p>We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?</p> <p>We invite consultees' views as to whether the law should limit weddings in any particular venues, including:</p> <ol style="list-style-type: none"> (1) outdoors, (2) on inland waters such as lakes or rivers, (3) in the air, and / or (4) in private homes. 	<p>Yes, however all venues/locations would need to be fully checked to ensure that permission has been granted from owner, insurances are in place, risk assessments have been undertaken and no legislation is being breached (eg public nuisance, health and safety laws).</p> <p>Licensing regulations would therefore need to be relaxed to include short-term licences (for example for one wedding only) and outside locations. To ensure resources were available</p>
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		<p>for this temporary licensing process a full cost recovery fee would be required.</p> <p>All locations should be considered, however there would need to be some checks allowing legal guidance on an acceptable level of risk – eg on a cliff top or using extreme sports.</p> <p>Owners/organisations operating a venue or location for wedding ceremonies should be able to choose what type of ceremony (civil, religious, non-religious) can take place in their venue, and what category or recognised officiant (civil, non-religious, religious) can lead these ceremonies.</p> <p>Registration officers must have the option to say no where there are concerns regarding health and safety etc.</p> <p>There is also a resourcing issue for registrars for more unusual venues/locations. Currently registrars will go out to conduct several weddings in one day – a more unusual or harder to access location (eg top of a hill) would require additional time, mean that they could do less weddings and would therefore make it more expensive.</p> <p>Consideration also needs to be given to access for those with disabilities. Some outdoor, waterway or private home locations may not allow for equality of access.</p>
Q49	<p>We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.</p> <p>Do consultees agree?</p>	<p>Yes, allows use of individuals homes and gardens.</p>
Q50	<p>We invite consultees' views as to whether the law should prohibit:</p> <p>(1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) nonreligious belief venues?</p>	<p>(1) Yes</p> <p>(2) Yes</p> <p>(3) ? question not finished</p>

	<p>(2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?</p> <p>(3) (if non-religious belief organisations are enabled by Government to officiate at weddings)</p>	
Q51	<p>We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.</p> <p>Do consultees agree?</p>	<p>No, there should be an approval process for each district. Otherwise venues who conduct multiple ceremonies per week will be contacted repeatedly for the same information. There is also a danger of different interpretation and standards by different officiants. An individual officiant could also be pressurized into agreeing an unsuitable venue as they have no back up or support.</p>
Q52	<p>We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:</p> <p>(1) safe, and</p> <p>(2) dignified.</p> <p>Do consultees agree?</p> <p>We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.</p> <p>Do consultees agree?</p>	<p>(1) Yes</p> <p>(2) Yes</p> <p>A dynamic risk assessment should be carried out on the day, but the location should already be licenced including a full risk assessment. The General Register Office should hold a national list of venues.</p>
Q53	<p>We invite consultees' views as to whether there should be an optional pre-approval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.</p> <p>7.200 If consultees agree that there should be such a pre-approval process:</p> <p>(1) who should be responsible for it, and</p> <p>(2) how should it work?</p>	<p>Yes there should be a pre-approval system, so the venue is not repeatedly contacted by officiants, so that the venue has a certainty that the officiant chosen by the couple will agree to conduct ceremony at this venue and so that the officiant knows that all checks have been undertaken and all safeguards are in place. Many of our approved venues undertake multiple weddings per week.</p> <p>The Local Authority should undertake this pre-approval process on a full cost-recovery basis, with variance of fees across authorities permissible to allow for the real differences in costs incurred across England and Wales by</p>

		different districts. This approval list should then be available to all officiants when agreeing to undertake a ceremony. The fee would be paid by the venue/landowner in the form of a licence fee and the cost would not be borne by the couple.
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CHAPTER 8 – REGISTRATION

Q54	We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it: (1) the date of the wedding; (2) the location of the wedding; and (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent". Do consultees agree?	Yes, however these details must be added in before the schedule is signed so that all parties are fully aware of what they are signing.
Q55	We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh. Do consultees agree?	Yes, choice to have ceremony in Welsh if marrying in Wales.
Q56	We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security. Do consultees agree?	Yes - provided that: a. Accurate and representative signatures can be recorded b. There is a contingency in place if the electronic system fails (many countryside wedding venues have poor internet coverage) c. The Local Authority is responsible for back-capturing the registration if necessary in the event of a system failure

CHAPTER 9 – EQUALITY LAW AND RELIGIOUS WEDDINGS

CHAPTER 10 – VALIDITY AND OFFENCES

Q57	We provisionally propose that any one of the following factors on its own should	
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	<p>render a marriage void:</p> <p>(1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;</p> <p>(2) the wedding taking place after authority to marry had lapsed;</p> <p>(3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or</p> <p>(4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.</p> <p>Do consultees agree?</p> <p>We provisionally propose that the following factors should not render a marriage void:</p> <p>(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;</p> <p>(2) the absence of witnesses; and</p> <p>(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.</p> <p>Do consultees agree?</p>	<p>(1) Yes</p> <p>(2) Yes</p> <p>(3) Should be void regardless of whether the couple knew the officiant was not authorized to conduct the ceremony as this stops an unauthorized officiant purporting to conduct legal marriages for financial gain.</p> <p>(4) Should be void regardless of whether the couple knew that the opt-in for same sex marriage had been given or not.</p> <p>(1) Should remain as it is now, typographical mistakes should not render a marriage void, however an error that could question the identity of one of the parties or their ability to contract a legal marriage (eg marital status, age under 16 etc) should render it void.</p> <p>(2) Yes - Would need to ensure witnesses to the marriage were present to ensure that ceremony did go ahead and to act as a safeguard.</p> <p>(3) Yes – schedule needs to be signed by all parties to show that all agree to entering into a marriage or that they have conducted or witnessed that marriage. Again, it helps to safeguard against claims that a marriage took place if it did not.</p>
Q58	<p>We provisionally propose that the following factors should result in a non-qualifying ceremony:</p> <p>(1) both:</p> <p>(a) failure of one or both parties to the marriage to give notice of the intended marriage, and</p>	<p>Any of the factors listed should be enough on their own to make the marriage non-qualifying – it does not need to be made more complex by having to satisfy two criteria.</p>

	<p>(b) either:</p> <p>(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or</p> <p>(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or</p> <p>(2) failure of one or both parties to express consent to the marriage.</p> <p>109</p> <p>Do consultees agree?</p>	
Q59	<p>We provisionally propose that a presumption in favour of the validity of a marriage should arise where:</p> <p>(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or</p> <p>(2) the couple have given notice and gone through a ceremony with a person acting as officiant,</p> <p>but should not require the couple to have cohabited for any period after its celebration.</p> <p>Do consultees agree?</p> <p>10.132 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.</p> <p>Do consultees agree?</p>	<p>All legal processes should have been undertaken to form a valid marriage – notices and ceremony and signing of schedule. However, we do not believe that there should be any requirement for cohabitation.</p> <p>Yes, this is no longer relevant and should be abolished as all forms of marriage & civil partnership are now legally recognised.</p>
Q60	<p>We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.</p> <p>Do consultees agree?</p>	<p>Yes. Individuals in this situation may not be in a safe position to petition for nullity within 3 years.</p>
Q61	<p>We provisionally propose that it should be an offence:</p> <p>(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony;</p>	<p>(1) Yes</p>

	<p>or (2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony. Do consultees agree?</p>	(2) Yes
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CHAPTER 11 – SPECIAL TYPES OF WEDDING

Q62	<p>We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.</p>	<p>Yes we find that the statutory fee for these services that the registrars must charge are in no way commensurate with the costs to the local authority to provide these services. These fees (which vary between each category) should be set on a full cost recovery basis and provision built in for regular review. The very quick turnaround for marriages with terminal illness in particular involve a much higher commitment of resource than a normal wedding and can be to the detriment of other services offered by the registration service. Also, weddings in prisons require a lengthier process to take notice and undertake the ceremony due to prison & security restrictions and housebound notices require 2 members of staff to attend due to lone working considerations. This all represents a burden on the local authority that is not recovered by the statutory fees and could therefore fall to the council taxpayer.</p> <p>The RGL process is complex for doctors to understand and could be simplified so that doctors understand that this is very much an 'end of life' option and not for anyone with a terminal diagnosis. The parties involved are often not best placed to understand whether it is an end of life situation or not.</p>
Q63	<p>We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued. Do consultees agree?</p>	<p>Yes, as long as there can be full cost recovery of this service as this will add extra work to the process with the registrar having to attend the hospital/hospice/home to take notice for the ill party. Time is often of the essence in these marriages and the system should allow for notices to be taken at bedside and the ceremony to follow swiftly afterwards if required.</p> <p>Also, it allows consent from the ill party prior to the ceremony unlike now when the process up</p>

		to the point of the ceremony is undertaken by the other party. This also allows safeguarding issues to be addressed and ensure that both parties are properly consenting to marry.
Q64	We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers. Do consultees agree?	No, the General Register Office should have this ability to reduce the waiting period, subject to confirmation by the doctor. The General Register Office are able to offer a 24/7 national service that would not be possible for most local authorities. This function is not a part of the Proper Officer, Superintendent Registrar or Registrar statutory role. By GRO retaining control of this they could ensure consistency across England and Wales from an authoritative body.
Q65	We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months. Do consultees agree?	No, we feel this is far too long for what is an end of life wedding. It may encourage couples to wait for a particular date or for a particular person to be able to attend. Where this is the case this can often lead to the deterioration or death of the ill party so that the wedding can never go ahead. If there was a 12-month validity the system could also be used for couples with a terminal illness but not near end of life to effectively fast-track the notice process. If the couple wish to wait longer than 28 days, then the usual process could suffice with a housebound option should the ill party not be well enough to attend a licenced venue.
Q66	We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months. Do consultees agree?	Yes, these should be consistent with other civil marriages. However, there would need to be a check to ensure that the housebound criteria were still being met at the time of the ceremony and that the party detained in prison had not been transferred to a different establishment. For these reasons, these weddings may tend to be conducted soon after the schedule becomes available.
Q67	We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit: (1) the validity of schedules and other forms of authority to marry to be extended	(1) Yes

	<p>until after a national emergency; (2) both stages of civil preliminaries to take place entirely remotely; (3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and (4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule. Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency. Do consultees agree?</p> <p>We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover. Do consultees agree?</p>	<p>(2) No – if both parts are undertaken remotely there is no safeguards against forced or sham marriages. There is also no opportunity to judge mental capacity or other safeguarding issues. (3) No – could not ascertain that you had the correct people marrying, that there were no safeguarding or forced marriage issues or even if they were in England or Wales and under the correct legal jurisdiction. (4) No – no safeguards that the couple fully understand the nature of what they are signing or against forced marriage or lack of capacity. Also, harder to ensure that the schedule is signed correctly and legibly.</p> <p>We feel that if the schedules/certificates for marriage could be extended beyond the 12-month validity in times of national emergency that this would allow marriages to take place once the emergency had eased. Marriages taking place outdoors will also give a greater scope for safe working in circumstances such as Covid.</p> <p>Yes, agree that the emergency provisions should be able to apply to all couples.</p>
Q68	<p>We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales. Do consultees agree?</p>	<p>Yes, as long as can ensure that the wedding took place in the correct territorial waters and not outside or in those of a neighbouring country. Also ensuring that health and safety considerations could also be met for couple, officiant and guests.</p>
Q69	<p>We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?</p>	<p>Yes</p>

Q70	We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.	Yes, on commercial vessels registered in the UK, with a professionally qualified captain.
Q71	We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant. Do consultees agree?	Yes
Q72	<p>We provisionally propose that weddings on ships in international waters should be officiated by:</p> <p>(1) deck officers who have been authorised by the Registrar General as maritime officiants; and</p> <p>(2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants.</p> <p>Do consultees agree?</p> <p>We provisionally propose that maritime officiants should be subject to the same rules as we have provisionally proposed should apply to independent officiants. Do consultees agree?</p> <p>We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant. Do consultees agree?</p>	<p>(1) Yes, as long as they are trained as other officiants and undertake any ongoing training requirements and work to the same required standard.</p> <p>(2) Yes, but as above that they are trained and work to same level as all other officiants</p> <p>Yes</p> <p>Yes</p>
Q73	We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.	N/A

Q74	We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible. Do consultees agree?	We do not feel that any certificates for the marriage should be issued until the original schedule is received which may be longer than 7 days after the ceremony. However, an electronic copy could be sent within the 7 days.
CHAPTER 12 – FEES		
Q75	We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis. Do consultees agree?	Yes – this should be on a full cost recovery basis and there should be a regular process to review this fee.
Q76	We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be: (1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or (2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.	(1) The fee should be on a full cost-recovery basis, acknowledging that the short-notice often associated with these wedding requests can often lead to additional cost burden. (2) There should be no financial benefit to couples having these ceremonies – the speed at which they are able to marry is the only real consideration for nearly all couples in this situation. The fee should not be set below cost-recovery.
Q77	We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation. Do consultees agree?	Yes, but if there is a statutory ceremony offer, then the fee should be set on a full cost-recovery basis.
Q78	We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis. Do consultees agree?	Yes. It should not be a burden on the council-tax payer.
Q79	We provisionally propose that if there is an optional pre-approval process for	Yes, should be on a full cost-recovery basis.

	wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis. Do consultees agree?	
Q80	We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales. Do consultees agree?	No – there is a great deal of preparatory work prior to the ceremony itself – eg. booking staff and processes, determining the content of the ceremony with couple, writing the individual ceremony and answering a multitude of customer enquiries. All this is in addition to travelling to and from and conducting the ceremony. Training costs for staff also have to be funded & provision of high-quality information to couples. Costs should be set at full cost-recovery to ensure a high standard of officiant and customer service.
Q81	We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony. Do consultees agree?	No fees for discretionary services should be dictated by the marketplace alone and should not be regulated nor related to cost recovery. This income stream can significantly reduce the financial burden on the wider Council Taxpayer and allow local authority registration services to self-fund whilst supporting the provision of free statutory birth and death registrations. The fees required vary considerably across the country depending on geographical issues (additional staff travelling time in large remote districts) or location (higher overheads in some districts eg London to be covered). Local authorities should be able to set a fully inclusive price for each ceremony package to allow ease of understanding and clear choices for the customer.
Q82	We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the same fees as prescribed for the registration officer to officiate at any other wedding outside the register office.	Yes, all fees should be subject to local review as areas differ greatly with geographic expenses (longer travelling) or higher operating costs due to location for example. The current statutory fees do not currently equate to cost to registration service and are highly subsidised from other areas of the service.

	Do consultees agree?	
Q83	We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill (1) the fee should be set by regulation at a level below cost-recovery; or (2) there should be no fee.	It should be set at full-cost recovery. The speed in which they can marry is nearly always the overriding concern of these couples not cost.
Q84	We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application. Do consultees agree?	If authorised officiants can operate anywhere within England & Wales, then the RG should set the fees nationally on a true cost-recovery basis. Any fees in either case should include the cost of verifying qualifications are valid and that CPD is up to date

CHAPTER 13 – THE POTENTIAL IMPACT OF OUR PROPOSALS

Q85	We invite consultees' views on: (1) whether the current law discourages or prevents couples from getting married; and (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married. Please provide us with any evidence you have of the scale of the impact of the law or any benefits.	(1) No (2) No The proposals would lead to a greater choice for couples who wish to marry in terms of location and who can officiate at their ceremony. However, we have no evidence that couples are not marrying because they cannot have a particular location or officiant.
Q86	We invite consultees' views on the impact of the current law on couples including in relation to: (1) the availability and costs of register office weddings; (2) the costs of marrying on approved premises; (3) the costs of marrying in registered places of worship; (4) the costs of marrying in locations that are not authorised for weddings under the current law; and (5) the necessity and costs of a having a separate, legally recognised wedding. 13.43 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:	(1) We are currently only able to offer cost-effective budget options in decommissioned register office rooms because we also receive the income from more costly licenced venue marriages. If we were to potentially lose the licenced venue marriage income this would have a negative effect on our ability to continue to offer the low-cost budget options. For Statutory Register Office marriages these are already being subsidised by the wider Council Tax-payer because the statutory fee has been set far too low for full cost recovery purposes. (2) Our fees are based on cost recovery, are validated by the Council Governance and are benchmarked against neighbouring

<p>(1) the availability of register office weddings and any savings in relation to them;</p> <p>(2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and</p> <p>(3) the necessity of a separate, legally recognised wedding and any consequent savings.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>authorities for consistency. The fees represent a very small proportion of the fee paid for a wedding at an approved venue, which often runs into several tens of thousands of pounds. The fee to licence a venue also seems proportionate for venues who are hosting multiple civil ceremonies per week/month and who use their licence as a marketing too. The fee is a very small portion of each wedding.</p> <p>(3) The current fee to send a registrar to a registered place of worship does not cover the costs. This should be changed to full cost-recovery with regular reviews.</p> <p>(4) No comment as not currently possible and therefore no data held on what the cost implications would be to the registration service or what those venues/locations might charge to customers.</p> <p>(5) Weddings at register offices where there is no additional room hire costs represent the most cost-effective option and these options are already available.</p> <p>(1) We have excellent availability in all of our decommissioned rooms and can usually accommodate couples immediately after their notice period has been completed if requested. There is a waiting list for statutory weddings – as these are not charged at cost recovery and therefore incur additional costs each time, we only ensure that there is provision for those who really need that service. Our experience is that these basic ceremonies can often get used with couples who go on to have large celebratory occasions abroad or elsewhere and not those who need the lower costing.</p> <p>(2) No pre-approval process put the onus on individual officiants, leaving them open to pressure and possible breaches of health and safety and other legislation. There should be a pre-approval system.</p> <p>(3) Although couples who choose to get married in any location may not have to have a separate legally recognised</p>
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		wedding the costs of getting married are unlikely to be reduced as a trained, qualified officiant would have to attend to make the marriage legal and the location would have to be assessed at least once prior to the marriage to ensure it is safe and dignified. Venues that are not used regularly would incur additional costs for these pre-ceremony risk assessments that are required by law for any business or organisation operating legally within Health & Safety legislation.
Q87	<p>We invite consultees' views on the impact of the current law on venues, including in relation to:</p> <p>(1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, 40 including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and</p> <p>(2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance.</p> <p>13.62 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:</p> <p>(1) hosting weddings without requiring Government pre-approval;</p> <p>(2) the availability of registration officers for civil weddings;</p> <p>(3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and</p> <p>(4) the business opportunities arising from an increase in the number of weddings in England and Wales.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.</p>	<p>(1) Licenced venues that are already operating as public-facing businesses should already be complying with the simple legal regulations regarding planning and health & safety that are required as part of the licensing process. These are not direct costs of being licenced and will be required for other parts of their business. Clearly there needs to be a system that ensures venues comply with the relevant legislation and health and safety requirements for the safety of guest and officiants. As the local authority issuing the licence we currently provide ongoing support to our venues in respect of licence requirements and also with our bookings team with regard to individual bookings and requirements. During the pandemic there has been very regular updates to the venues from the registration service and we have responded quickly to queries and issues from them. The costs of becoming a licenced venue cover the administration and checks that these measures are in place, and ongoing support to the licenced venue from the Local Authority. The cost of being licenced is minimal in comparison to the potential income that venues can generate as a result and the possession of a licence for ceremonies is widely used as a marketing tool by venues. Marketing for licenced venues within our district is also undertaken by</p>

		<p>the registration service, for example by including on our ceremonies website and including on social media.</p> <p>(2) It is the couple and not the venue who pay for the registration officers to attend a licenced venue. We have good and open relationships with our licenced venues and work well in partnership with them. We staff our provision according to demand, using a pool of specific ceremonies staff in addition to our core contracted staff. We work with the venue to ensure that customers can be accommodated.</p> <p>(1) There would still need to be safety and suitability checks by the officiant which could provide more difficult and onerous on both couple, officiant and venue than a pre-approval process.</p> <p>(2) Loss of income could affect the number of registrars in the service and this could potentially mean we would have less availability.</p> <p>(3) The proposal would give a greater choice for couples, though the venue would have to manage working with a wide range of different officiants rather than a central point.</p> <p>(4) It is unlikely that this would lead to any more people wanting to marry. Those that want to do so currently, do so. It would just lead to a greater choice of locations or officiants. We have no evidence that couples are not marrying because they cannot hold ceremony in their back garden for instance. Rather if that was important they would have a legal wedding in a licenced premise and a celebratory non-legal ceremony in their garden.</p>
Q88	<p>We invite consultees' views on the impact of the current law on local authorities.</p> <p>We invite consultees' views on the potential benefits to local authorities of our</p>	<p>Because of the unfunded free provision of birth and death services, most local authorities subsidise these services with income from marriages. Introducing changes that may reduce</p>

	<p>proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>the number of marriages undertaken by the registration service would lead to a reduction in the range of services offered by registration services. We would not want to have a detrimental impact on people's ability to register a death in a timely manner or register their baby so they can claim child benefit etc.</p> <p>The suggestion that our services could be run on a full cost-recovery basis is welcome as many of these are subsidised from other wedding income or by the council tax payer. The ability to hold outdoor weddings would also be welcomed by couples although most of these requests could be accommodated by allowing ceremonies to take place in the grounds of existing licenced premises (usually receptions are taking place indoors given the unpredictable climate in England & Wales) and so the couple wish to be close to their chosen reception venue. We would want to have a requirement for a wet weather alternative so as not to create additional health and safety issues. Also, the proposal to be more flexible with ceremony content will be welcomed by couples who struggle to understand the current restrictions. A temporary or short-term licence at a cheaper price for one off venues (eg house or private garden) would also be welcomed as long as it could be issued on a cost recovery basis. It is critical that proposals ensure the high quality of weddings and equal standards of service from all officiants across all districts. There should be no confusion for couples or venues and officiants should receive initial and ongoing training and assessment. There should also be strong safeguards in place to ensure that sham/forced marriage protections are in place and that all safeguarding issues are addressed.</p>
Q89	<p>We invite consultees' views on the impact of the current law on:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married;</p>	<p>(1) Not applicable. Couples must abide by the legislative requirements for marriage in the country they wish to marry in and</p>

	<p>and (2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>13.83 We invite consultees' views on the potential benefits of our proposed scheme relating to:</p> <p>(1) residents of England and Wales travelling to other jurisdictions to get married; and (2) residents of overseas jurisdictions travelling to England and Wales to get married.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	<p>the law in England and Wales is not applicable.</p> <p>(2) The proposal of the initial Notice appointment online may be helpful to these couples, but they would need to be aware of possible additional checks from Immigration Service which is currently the case.</p> <p>(1) There may be a very small number of couples who would choose to marry in this country due to these proposals, but the vast majority would still travel abroad to marry in a warmer climate.</p> <p>(2) There may possibly be a slight increase in people travelling the UK to get married from overseas, however it seems unlikely as in our experience most overseas nationals who choose to get married here do so because they either live here or are marrying a UK national. Again, we don't really have the climate to attract people to this country as a destination wedding.</p>
Q90	<p>We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.</p> <p>We invite consultees' views on the potential benefits to the United Kingdom ship register and the maritime industry of our proposed scheme.</p> <p>If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.</p>	N/A
Q91	<p>We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:</p> <p>(1) Government and local authorities; (2) businesses; (3) religious (and non-religious belief) organisations; (4) independent officiants; and / or (5) couples.</p>	<p>(1) We feel it most likely that our costs will necessarily increase as we are forced to recoup lost income from those marriages we do manage to retain.</p> <p>(2) N/A (3) N/A (4) N/A (5) Local authority fees will be forced to increase as we will have to fund all the current back office processes (taking of NOMs, production of schedules,</p>

		registration of all weddings, certificate production) and information providing service, with potentially reduced income.
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Law Commission consultation on weddings

The questions are very detailed and comprehensive and the objectives very worthwhile. The key question appears to be 'Who defines marriage and how is that expressed in the ceremony?' Is that religious groups/chosen non-religious groups, the State or the couple themselves? Where the ceremony is held or who takes it or how the preliminaries are dealt with is secondary.

For Christians marriage is given in creation and therefore should not be subject to the State's redefinition or the couple's subjective definition/meaning. The consultation is very respectful of the C of E's right to take ceremonies according to its own practice. However, in reality there has been redefinition by the State due to more liberal divorce laws and the introduction of same-sex marriage. The C of E and the State have differed on allowing same-sex marriage and this means, that unless the Church changes canon law in regard to this, C of E ceremonies and civil ceremonies should remain distinct. Allowing Christian content in civil ceremonies or civil ceremonies on religious premises could lead to much confusion on what Christian marriage is.

One of the objectives of the consultation is to protect the State's interest. Qu 26 and qu 35 attempt to address this issue by referring to public policy and morality and 'the dignity and solemnity of marriage'. Yet it is proposed that upholding these principles will now largely be in the hands of the officiant. Thus, what morality means, and dignity and solemnity will not be uniform but will rest in the hands of individuals in a variety of organisations.

To make clear what marriage is, it is imperative that some core sentiments are expressed in the ceremony such as life-long commitment, consent and lack of impediments. Retaining the 'open door policy' signifies the State's interest and the importance of marriage not just as an individual contract between two people but its importance as a building block in the community. Qu 36 gives the possibility that the General register officer should issue guidance on how weddings should be conducted and this would go some way to address this issue and for the State still to take responsibility for the content of the ceremony as to what marriage is.

[REDACTED]

Senior lecturer

University [REDACTED]

4th Jan 2021

From: [REDACTED]
Sent: 31 December 2020 17:01
To: Weddings
Subject: WEDDINGS LAW

TO THE LAW COMMISSION

RE WEDDINGS LAW

Dear Sirs

I refer to the above and your review requesting replies by 4.1.2020. Kindly note my following comments.

Re Question 20.

This proposes only registration officers should be able to officiate at civil weddings.

I do not agree to this. Many churches rely on civil registrars to register weddings.

Re Question 26

To be subject to ..' contrary to public policy or morality' is in my opinion, to subjective an assessment. It would risk those people with unpopular but entirely legal views, being excluded from nominating officiants. The test should focus on objective criterion. Prevailing opinion can change over time.

Re Question 29.

I do not agree to the proposal of 'independent officiants'. This could result in a lessening of the importance / standing of a christian or other marriage, and down grading its life long significance and all the other implications of marriage. Marriage's are presently conducted by religious representatives or trained registrars. the proposed change is likely to reduce the seriousness and significance of the wedding ceremony.

Re Question 42

The 'prescribed words' from the Marriage Act 1949 form a foundation for the declarations that are required for a marriage. Without them a marriage can become as meaningless as the couple or an officiant require, and the legal marriage become nothing more than a certificate from the government. Under these proposals it would be possible to have a legally recognised wedding where no words between the couple were said, let alone promises of any kind by one spouse to another. The commitments made in marriage are serious but to not have the prescribed words would detract from the seriousness and significance of the marriage and all that that entails, life long commitment etc..

Re Question 43

I do not agree to the proposal. To do as proposed would/ could easily be open to abuse, and remove the significance and seriousness of the marriage ceremony. It should be for a lifelong commitment to each other, with all that that entails, not a one day entertainment.

Re Question 47

The marriage ceremony should be open doors to the public, and not just private.

Re Question 48

No restrictions on venues. In my opinion, it is important for the dignity, solemnity and seriousness of the wedding ceremony to be upheld, Safeguards need to be in place to maintain and safeguard these criterior. There is a danger that in removing the current restrictions these safeguards will be removed.

Thank you.



Written evidence submitted by Fouzia Azzouz to the Law Commission

My name is Fouzia Azzouz; I am currently doing a PhD in politics at the University of Bristol. This statement is submitted in a personal capacity and is based on the findings of my own qualitative research (ongoing PhD project looking at avenues for regulating Muslim marriage and divorce practices in Britain) as well as existing literature from various studies and research conducted on the topic.

My contribution specifically concerns avenues to incentivising registration of Muslim marriages. My main focus are those Muslim couples for whom complexities within current marriage laws are the main obstacle to registration. This category, I believe, will benefit from your proposals regarding simplifying and modernising some of the rules governing marriage formalities.

I believe that the current marriage registration system is in need of an update to reflect the changing priorities and demographics of British society in the context of the 21st century. I support your proposals to simplify current laws and remove any unnecessary regulation that might be discouraging couples from registering their marriages.

My research showed that in addition to their existing financial and time-consuming responsibilities during the wedding preparation period, some Muslim couples may find it burdensome having to give notice in person, hence I believe that it would be beneficial to 'Allow individuals to give notice of their intended wedding remotely'. I believe this would be welcomed not just by Muslims but wider society more generally.

Further, to 'allow couples and religious groups [...] to choose where their weddings take place, without unnecessary restrictions and costs' and 'choose the form ceremonies will take, recognise the variety of ceremonies that people use to mark their weddings' would remove some of the obstacles which have been identified in my study as well as existing literature as to why many Muslims seem to avoid or forgo marriage registration altogether. It could become more attractive for many Muslim couples who choose to have their marriage ceremonies performed in private halls or homes with the presence of an Imam or celebrant, and for those Muslims who are put off by the Christian character of the civil ceremony.

If (some) of the above proposals are to be implemented, there will need to be active awareness-raising within the various segments of society so that people are aware of these changes.

It should be noted that the fact remains that there are those Muslims (among others) who do not want to register their marriages particularly because it will carry legal effect and would involve state intervention in case of marriage breakdown. My research findings highlight that there are complex realities which give rise to Nikah-only marriages and multiple reasons why couples would prefer to delay or forgo marriage registration. Having considered a number of these reasons or motivations, it is apparent that framing the issue of non-registration of Islamic faith marriages as one that is mainly related to technical challenges, lack of awareness, or ill-informed choices is misleading and engenders negative stereotypes scrutinising Muslim marriage practices and painting them as exceptional or unusual compared to wider social practices around marriage and relationships.

Although seeking to incentivise marriage registration is justifiable considering state interest in the institution of marriage, I believe that with regards to Muslims or minority faith groups in general, the aim should not be to seek to bring in Muslim marriages within existing outdated laws on marriage but to modernise and update regulations to reflect the diversity of British society; this could have a positive effect on encouraging Muslims -among others- to register their marriages.

From: [REDACTED]
Sent: 01 January 2021 11:23
To: Weddings
Subject: Our response to the Law Commission's consultation on Weddings Law.

Dear Sir/Madam,

We would like to answer the following propositions:

Question No. 20. *We provisionally propose that registration officers should only be able to officiate at Civil Weddings.*

Our Response:

We would advise against this proposition for the following reason. Church weddings are still very popular, many of them rely on civil registrars to register weddings, as they do not have their own authorised person. This would be a detrimental step for churches and engaged couples seeking a church wedding.

Question No. 26. *We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by government to officiate at weddings) non religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.*

Our response:

The clause "contrary to public policy or morality" is a step too far. It would risk those with unpopular or unusual views, being excluded from nominating officiants.

Question No. 29. *We provisionally propose that (if enabled by government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants.*

Our response:

We would advise AGAINST this potential proposition. At present wedding officiants are usually highly trained registrars or religious representatives who are likely to have strongly held beliefs on marriage. Allowing independent officiants would permit those to act who may not place a very high view on marriage. This could lead to a cheapening and undermining the serious and honourable institution of marriage. It is, after all, for life, as was originally conceived in our history and traditions.

Question No. 42. *We provisionally propose that:*.....

Our response:

We would very much advise AGAINST any change in the law regarding the current prescribed words. These give the public and all concerned, an indication of the seriousness and depth of love and commitment of the couple to be married. Any loosening of these promises (or prescribed words) and commitments, would inevitably lead to a degrading of the beauty and solemnity of holy matrimony. The prescribed words protect the wedding ceremony from being meaningless and too casual. The current marriage law and requirements make this a beautiful ordinance which is designed for life-long bonding.

Question No. 43. *We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed by the officiant.*

Our response:

Although this sounds acceptable, there is a danger here. It is far more important that a legal wedding ceremony reflects the seriousness of the commitment that the parties are making, than for it to be personalised to the couple. Some legally binding ceremonies are already being personalised as couples want. These have included all kinds of weird and bizarre ingredients in the wedding, making a mockery of how it should really be. So called personalisation of the wedding ceremony could damage the dignity of it. For example, one couple wanted their ceremony to be a parody under water!

Question No. 47. *We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.*

Our response:

We would say 'NO' to this proposition. The 'open doors' requirement is a vital part of wedding day celebrations, making it clear that marriage is not just a private affair, but rather, is important to society as a whole. Keeping weddings open to the public, as well as to invited guests is a way of protecting against bigamy and forced marriages, for example.

Question No. 48. *We provisionally propose that all weddings should be legally permitted to take place anywhere.*

Our response:

We consider this quite ridiculous because by removing the restrictions, could open the door to totally inappropriate venues being used. Our concern is that the dignity of this wonderful institution will be compromised if such proposals are accepted.

Thank you for this consultation and for the opportunity to share our views and concerns.

Yours faithfully,

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: The Law Commission's Consultation on Weddings Law
Date: 01 January 2021 13:10:50

Dear Sirs,

I have heard about the above, and have decided to offer my views on its proposals, presumably being offered as "reform" in the light of the apparent need to accede to the requests of those of little faith or none.

It seems to me that a number of the proposals will, in effect, reduce the dignity of the marriage vows, and the seriousness of the issue, thus allowing a watering down of what is, and is proven to have been, the bed-rock of family security for a very long while in history. At a time when separation for couples, and divorce is easily come by, I would like to see the importance of the marriage ceremony magnified, and not reduced to what is something of a light-hearted farce very often, and something which offers a quick get-out opportunity, should the going get rough, as it does from time to time in any marriage relationship.

There seem to be various proposals which could make this more light-hearted approach to marriage possible, if not probable.

Firstly, concerning Question 20, that registration officers should only be able to preside at civil ceremonies. Many churches rely on such officers as they don't have their own registered officials. This would necessitate the performance of a registry office ceremony beside the church one to make marriage legal. There could be a danger of some churches falling foul of wedding law, being required to take responsibility for unfamiliar legalities in order to hold a religious ceremony.

Secondly, concerning question 26, if the organisation proposing to perform a marriage ceremony is deemed to promote purposes that are "contrary to public policy or morality" could exclude those who hold currently unpopular views, particularly of the traditional Biblical view of marriage. This is too much of a subjective view of this problem. I suggest that a more objective view should be adopted. i.e. promoting purposes which are illegal or support illegal activity, such as terrorism, that advocate the violent overthrow of democracy or that undermine the rule of law.

Thirdly, concerning question 29, The equal possibility of the registration of unofficial officiants at weddings could further undermine the seriousness of marriage by making some marriages not legally binding according to current law. It is currently unclear what safeguards of training would be put in place for them, resulting in very little restriction as to what they could include in the ceremony, once again undermining the seriousness of the event.

Fourthly, concerning question 42 and 43, the proposal to scrap "prescribed words" to be pronounced at a wedding ceremony, once again undermines the seriousness of the event. These words have always been part of such a ceremony and the removal of them would mean that the necessity for the couple to make solemn promises would make the treatment of the marriage much more casual. Also, there would be the possibility of making the ceremony a purely private matter with no witnesses to hold the couple true to their vows in the days to come. This would also fail to protect the individuals against the possibility of forced and bigamy.

Finally, concerning question 48, I feel that the proposal to allow weddings to be performed in any place of the couples' choice further undermines the solemnity of the event, and should only be performed in buildings registered for the purpose. The removal of this part of the law opens the door to very inappropriate venues being used, thereby, once again, removing the issue of the seriousness of marriage.

I commend these views to those in charge of reforming the laws concerning marriage.

Yours very sincerely [REDACTED]

PS I write as an individual, not as a representative of any organisation.

From: [REDACTED]
To: [Weddings](#)
Subject: Response to consultation on Weddings law
Date: 01 January 2021 15:44:48

To whom it may concern

I would like to register my opinion about the proposed changes.

I disagree with removing safeguards on dignity and importance of the marriage ceremony

I disagree with the removal of the prescribed words. It should not be possible for someone to be married without actually being present (i.e by submitting a written statement or email or indeed to say nothing at all)

It trivialises and devalues marriage to allow people to make up their own words. We cannot do this for a mobile phone contract so why for marriage which is infinitely more important

I disagree with the removal of the 'open doors' policy for weddings: this is a protection against forced marriage which sadly is still practised in some cultures

I disagree that weddings should be allowed to take place anywhere. Some venues could greatly undermine the seriousness of the marriage ceremony and thereby could be damaging to the marriage itself. Divorce is a sad reality - we do not help marriages to survive by trivialising or undermining the importance which could be the case in some venues.

Thank you for consideration of my views

[REDACTED]

From: [Bishop](#) [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: Submission
Date: 04 January 2021 16:36:34
Attachments: [Law Commission consultation on weddings.response_4.1.21.docx](#)

Dear Sir/Madam,

I'm submitting a response to the consultation as requested.

It has been prepared and submitted under separate head by my wife [REDACTED] who is Senior Lecturer in Family Law at the University [REDACTED]. I am submitting it as I am in agreement with the concerns she raises. In particular I note that your terms of reference speak of the State's interest, choice and flexibility, but not having respect to the essence of marriage as expressed in the vows of both the religious and civil ceremonies.

I am concerned that the Commission have particular concern not only to personal preference and choice, but to the public understanding of marriage so that the couple know by the content of the ceremony that it is marriage they are entering and not some other kind of personal commitment. I believe it is in the interests of the wellbeing of our society that the essence of marriage is commended by the State, and not diminished by becoming unclear in the ceremony in which the vows and public commitment are made.

May the blessing of Almighty God rest upon your counsels,

With every good wish

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Law Commission consultation on weddings

The questions are very detailed and comprehensive and the objectives very worthwhile. The key question appears to be 'Who defines marriage and how is that expressed in the ceremony?' Is that religious groups/chosen non-religious groups, the State or the couple themselves? Where the ceremony is held or who takes it or how the preliminaries are dealt with is secondary.

For Christians marriage is given in creation and therefore should not be subject to the State's redefinition or the couple's subjective definition/meaning. The consultation is very respectful of the C of E's right to take ceremonies according to its own practice. However, in reality there has been redefinition by the State due to more liberal divorce laws and the introduction of same-sex marriage. The C of E and the State have differed on allowing same-sex marriage and this means, that unless the Church changes canon law in regard to this, C of E ceremonies and civil ceremonies should remain distinct. Allowing Christian content in civil ceremonies or civil ceremonies on religious premises could lead to much confusion on what Christian marriage is.

One of the objectives of the consultation is to protect the State's interest. Qu 26 and qu 35 attempt to address this issue by referring to public policy and morality and 'the dignity and solemnity of marriage'. Yet it is proposed that upholding these principles will now largely be in the hands of the officiant. Thus, what morality means, and dignity and solemnity will not be uniform but will rest in the hands of individuals in a variety of organisations.

To make clear what marriage is, it is imperative that some core sentiments are expressed in the ceremony such as life-long commitment, consent and lack of impediments. Retaining the 'open door policy' signifies the State's interest and the importance of marriage not just as an individual contract between two people but its importance as a building block in the community. Qu 36 gives the possibility that the General register officer should issue guidance on how weddings should be conducted and this would go some way to address this issue and for the State still to take responsibility for the content of the ceremony as to what marriage is.

[REDACTED]

Senior lecturer

University [REDACTED]

4th Jan 2021

From: [REDACTED]
To: [Weddings](#)
Subject: Law Commission Consultation on Weddings Law
Date: 02 January 2021 16:22:54

I wish to register my objection to the proposed changes to the law on weddings in England and Wales for the following specific reasons:-

Question 35: Agree, but officiants should have a wider responsibility to ensure that the content and tone of the legal ceremony upholds the dignity and solemnity of marriage.

42: It should not be possible for someone to get married without being present at the wedding ceremony.

43: Should be changed.

47: Weddings should take place within "open" doors conveying the public nature of wedding declarations.

48 & 52: Weddings should take place at suitable venues which should be clearly defined.

Yours faithfully,

[REDACTED],

ACII

From: [REDACTED]
To: [Weddings](#)
Subject: Weddings consultation response
Date: 02 January 2021 14:18:31

Dear Law commission

At the registry office preliminary interview for my civil partnership I was asked about bigamy, which is very rare. However, I was not asked about domestic violence, which is all too common. [REDACTED]
[REDACTED] A wedding is the time at which a relationship is locked into a legislative framework that could last a lifetime. It can also be the time that domestic abuse is locked into the relationship. What does it say about our society that before a wedding or civil partnership the partners are not asked about domestic abuse?

[REDACTED] the 'Ask the Question' Campaign [REDACTED].

This campaign asks that there is a check for domestic abuse registry office 1-1 preliminary interview for weddings and civil partnerships.

For most couples, weddings and civil partnerships are a wonderful time. But for a significant minority, domestic abuse is already part of the relationship. The expectations around getting married makes it hard for any woman – or man – to break through the narrative that they are on the way to a Happy Ever After.

One in four women have experienced domestic abuse from a partner at some point in their lives ([ONS Domestic Abuse Statistics, 2018](#)). It is a devastating problem. Repeated acts of violence and abuse can occur across years and even decades. The victims, both partners and their children who witness the abuse, often suffer long-term trauma and reduced life chances.

Opportunities for services to ask about domestic abuse are few and far between. Due to the nature of the problem, partners are rarely alone with someone who can offer them help. The preliminary interview to marriage is therefore an ideal time to ask whether someone is experiencing domestic abuse.

There are several advantages to asking the question at the preliminary interview:

<!--[if !supportLists]-->• <!--[endif]-->The formal setting creates an atmosphere of solemnity which allows for reflection.

<!--[if !supportLists]-->• <!--[endif]-->Other personal questions are being asked, so the question is not out of place.

<!--[if !supportLists]-->• <!--[endif]-->There are already mechanisms and training in place for the person asking the question to be able to offer help if domestic abuse is disclosed.

<!--[if !supportLists]-->• <!--[endif]-->Most importantly, at the preliminary interview partners are separated. This provides the safe space people need in order to disclose domestic abuse.

Asking about domestic violence in statutory settings is formally known as Routine Enquiry and [has proved effective in maternity units](#).

However, [it takes five times, on average, for an abused partner to seek help before getting an effective response](#). Asking about domestic abuse at the registry office will be a state mandated first response. This will increase the confidence of women

to report in the future.

A risk assessment needs to be part of the process of setting up a trial period for routine enquiry at the registry office. This can assess whether it is safe and feasible for male partners to also be asked about domestic abuse.

Routine enquiry is a public health response to domestic abuse. Every woman who goes through the registration process would be asked. This would happen whether or not she is experiencing domestic abuse. It is therefore educational as well as preventative. Early intervention on domestic violence has been shown to be effective and to save the state substantial amounts of money.

Enquiring about domestic abuse at the registry office should be a government-mandated first ask. The support of the state will therefore send a message that domestic abuse is unacceptable, and that anyone subject to such abuse has the right to help.

We therefore request that the Marriage Act 1949 be changed to include a question about domestic abuse in the registration process for marriages and civil partnerships.

Best wishes and Stay Safe

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Weddings
Date: 02 January 2021 08:24:25

Getting married is a serious undertaking and not a frivolous game. Undermining the level of personal commitment required to spend a lifetime together can only, in the main part, lead to a much higher divorce rate.

Divorce is a painful and emotionally difficult period and, especially if children are involved, has huge mental health and financial costs attached, both personally and nationally.

As a nation we do not have money or time to waste on changing the law as it already stands. So please cease this process and devote hard earned public monies to far more serious and worthy causes.

Sent from my iPhone

Getting Married: A Consultation Paper on Weddings Law

Resolution's response to the Law Commission

Resolution's 6,500 members are family lawyers, mediators and other family justice professionals, committed to a non-adversarial approach to family law and the resolution of family disputes.



Responses to consultation questions (we answer those questions where we are able to offer a view)

Consultation Question 4.

We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished.

Do consultees agree? Yes

Consultation Question 5.

We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in-person interview at a later date.

Do consultees agree? Yes

Consultation Question 6.

We invite consultees' views as to whether the minimum period between the in-person interviews and the date from which the couple can get married should be:

(1) three days;

(2) seven days; or

(3) another period of time.

Three days

Consultation Question 7.

We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.

Whilst remote interviews may be convenient, we think it could be extremely hard for registrars to make sound assessment of parties wanting to marry, especially if they are overseas, and to make judgements (as the judiciary are currently finding in some family court cases), including about the need for an in-person interview.

Future technology would have to be secure and enable the interviewer to tell if anyone else is in the room.

Consultation Question 8.

We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.

Yes

Consultation Question 9.

We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm.

Do consultees agree? Yes

Consultation Question 10.

We provisionally propose that the schedule should be valid for 12 months from the date of issue.

Do consultees agree? Yes

Consultation Question 11.

We provisionally propose that:

(1) the schedule should identify the officiant who will officiate at the wedding; and

(2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant.

Do consultees agree? Yes - the officiant is central to ensuring the validity of the marriage and therefore needs to be identified clearly.

Consultation Question 12.

We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay.

Do consultees agree? Yes

We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances. Yes, but this should take account of the couple's wishes and be recorded as confirmed agreed with the couple on the registration documents.

Consultation Question 19.

We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to:

- (1) ensure that the parties freely express consent to marry each other;*
- (2) ensure that the other requirements of the ceremony are met; and*
- (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed.*

Do consultees agree? Yes

Consultation Question 20.

We provisionally propose that registration officers should only be able to officiate at civil weddings.

Do consultees agree? Yes

Consultation Question 21.

We provisionally propose that only one registration officer should need to officiate at a civil wedding.

Do consultees agree? Yes

Consultation Question 22.

We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.

Do consultees agree? Yes

Consultation Question 23.

We provisionally propose that:

- (1) for religious organisations other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and*

(2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.

Do consultees agree? Yes albeit this may need careful management. Clearly defining the officiant who will be conducting the ceremony is very important to avoid unintended non-marriages and the past confusion around authorised persons.

It may assist to have a description of those nominated to conduct weddings currently from all mainstream religions and list those within the new law, for example, a Catholic priest, a Rabbi, an Iman, a Puja although this list need not be exclusive. So an office holder of a religion would automatically fall within the description of officiant. It could be assumed that an “official” will automatically (by their job description) have the authority to marry couples unless the relevant governing organisation takes that away from the individual. This would also cover religious “officials” coming from overseas to marry people in England and Wales so they would automatically be obliged to follow the rules.

Consultation Question 24.

We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in R (Hodkin) v Registrar General of Births, Deaths and Marriages) as “An organisation that professes a secular belief system that claims to explain humanity’s nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system”.

Do consultees agree? Yes

We invite consultees’ views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.

No - apart from the generic point that that any organisation which promotes unlawful behaviour, or is against public policy, would not be permitted.

Consultation Question 25.

We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:

(1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and

(2) a wedding service or a sincerely held belief about marriage.

Do consultees agree? Yes, subject to consideration of whether there is a need to distinguish between a small sect (off shoot) from a religion (which has many more than 20 members) and that latter religion.

Consultation Question 26.

We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality.

Yes (in line with our response to Question 24).

Consultation Question 27.

We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.

Yes, see our response to Question 23. This may be particularly important where officiants might come from overseas to conduct a wedding and may not follow preliminaries (pre marriage notice procedure).

Consultation Question 28.

We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.

Do consultees agree? **Yes**, if this includes officiant by office as described above.

Consultation Question 29.

We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants.

Do consultees agree? **Yes**

Consultation Question 30.

We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are "fit and proper" persons.

Do consultees agree? **Yes**

Consultation Question 31.

We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are "fit and proper" persons by proving that they:

(1) are aged at least 18;

(2) understand the legal requirements for being an officiant and performing the role; and

(3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.

Do consultees agree? Broadly yes. Please note that we wonder how much take up of mandatory training and CPD requirements there would be, especially among independent officiants from overseas and visiting to conduct a wedding if that is to be permitted. Proving that they understand the legal requirements for being an officiant and so on, on application and then every so many years, may be sufficient.

Consultation Question 32.

We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs.

Do consultees agree? Yes

Consultation Question 33.

We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.

Do consultees agree? Yes

Consultation Question 34.

We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:

(1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or

(2) nominated by both a religious and a non-religious belief organisation.

Do consultees agree? Yes

Consultation Question 35.

We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.

Do consultees agree? Yes

Consultation Question 36.

We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.

Do consultees agree? Yes, for the procedural aspects.

Consultation Question 37.

We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them.

Do consultees agree? Yes

Consultation Question 38.

We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act.

Do consultees agree? Yes

Consultation Question 39.

We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers.

Do consultees agree? Yes

Consultation Question 40.

We provisionally propose that there should be no time limit on the authorisation of officiants.

Do consultees agree? Yes

Consultation Question 41.

We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development.

Do consultees agree? As mentioned above, we have some doubts about what the rate of compliance would be.

Consultation Question 42.

We provisionally propose that:

(1) during every wedding ceremony, the parties:

(a) should be required to express their consent to be married to each other, whether orally or otherwise, but

(b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);

(2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;

(3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and

(4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).

Do consultees agree? Yes

Consultation Question 43.

We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.

Do consultees agree? Yes

Consultation Question 44.

We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice).

Do consultees agree? Yes

Consultation Question 45.

We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

Do consultees agree? Yes

Consultation Question 46.

We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed.

Do consultees agree? Yes

Consultation Question 47.

We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.

Do consultees agree? Yes

Consultation Question 48.

We provisionally propose that all weddings should be legally permitted to take place anywhere.

Do consultees agree? Yes, within reason i.e., subject to safety and dignity.

We invite consultees' views as to whether the law should limit weddings in any particular venues, including:

(1) outdoors Yes

(2) on inland waters such as lakes or rivers Yes, if safe

(3) in the air, and/or Yes, if flying over the UK and safe

(4) in private homes Yes

Consultation Question 49.

We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.

Do consultees agree? Yes

Consultation Question 50.

We invite consultees' views as to whether the law should prohibit:

(1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief venues? No

(2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues? No

(3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues? No

Consultation Question 51.

We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.

Do consultees agree? Yes

Consultation Question 52.

We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:

(1) safe, and

(2) dignified.

Do consultees agree? Yes

We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.

Do consultees agree? Yes

Consultation Question 54.

We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:

(1) the date of the wedding;

(2) the location of the wedding; and

(3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".

Do consultees agree? Yes

Consultation Question 55.

We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.

Do consultees agree? Yes

Consultation Question 56.

We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.

Do consultees agree? Yes

Consultation Question 57.

We provisionally propose that any one of the following factors on its own should render a marriage void:

(1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;

(2) the wedding taking place after authority to marry had lapsed;

(3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or

(4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.

Do consultees agree? Yes

We provisionally propose that the following factors should not render a marriage void:

(1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;

(2) the absence of witnesses; and

(3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.

Do consultees agree? Yes

Consultation Question 58.

We provisionally propose that the following factors should result in a non-qualifying ceremony:

(1) both:

(a) failure of one or both parties to the marriage to give notice of the intended marriage, and

(b) either:

(i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or

(ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or

(2) failure of one or both parties to express consent to the marriage.

Do consultees agree? Yes

Consultation Question 59.

We provisionally propose that a presumption in favour of the validity of a marriage should arise where:

(1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or

(2) the couple have given notice and gone through a ceremony with a person acting as officiant, but should not require the couple to have cohabited for any period after its celebration.

Do consultees agree? Yes

We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.

Do consultees agree? With particular reference to paragraphs 10.22 and 10.126, we agree with the Law Commission that the law should be modernised and relevant. This little known presumption doesn't provide a legal solution for the now much increased and growing population of cohabitants in England and Wales, and was never intended to do so. It is not seen as relevant and we do not think that its abolition would pose any difficulty for the general cohabiting population.

Reform of the law relating to cohabitation needs to happen alongside weddings law. This would also ensure protection of those whose religious ceremonies have no legal consequences and cannot subsequently rely on civil divorce law. There are inherent legal risks in cohabiting, including where a religious marriage is consciously chosen as a form of trial marriage.

Some of our members have raised though whether abolition of the presumption might prejudice those who have already been living together for a long period time and holding themselves out as married. The presumption might therefore only be abolished for those "marriages" that occur after any change in the law, and remain valid case law to be considered by the court in cases where the cohabitation pre dates the abolition of the presumption. We believe that very few cases would fall into this category.

Consultation Question 60.

We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.

Do consultees agree? Yes

Consultation Question 61.

We provisionally propose that it should be an offence:

(1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony; or

(2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.

Do consultees agree? Yes

Consultation Question 64.

We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers.

Do consultees agree? Yes

Consultation Question 68.

We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales.

Do consultees agree? Yes

Consultation Question 69.

We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales.

Do consultees agree? Yes

Consultation Question 70.

We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.

Yes, on naval ships

Consultation Question 71.

We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant.

Do consultees agree? Yes

Consultation Question 74.

We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible.

Do consultees agree? Yes

Consultation Question 85.

We invite consultees' views on:

(1) whether the current law discourages or prevents couples from getting married; and

(2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married.

We are not entirely convinced that current weddings law does influence people's decision to marry or prevent couples from getting married. That seems to us to be more about social trends than the law itself. People choose or want to marry, or not, for so many different emotional and/or financial reasons which can differ across stage of life. Not everyone sees the need for a wedding to publicly declare their love and commitment.

The provisional proposals may increase the number of couples who are legally married, we are not opposed to them. Those who choose to marry make varying choices about the type, size and cost of wedding that they want, and we have no objection to people having as much choice about how and where to get married as possible.

More importantly, reform in this area will not tackle what we consider to be the more pressing issue of the need for reform of the law relating to cohabitation on both separation and death. The law should reflect how people choose to live their lives and provide for all types of families, including unmarried families; less people are getting married and there is no evidence that the trend towards couples living together will decrease - it remains the fastest growing family type. Whatever the law around celebrating and legally recognising marriage, the law should also provide fairness for those couples who are not married, and protect individuals from financial hardship.

We welcome the Law Commission saying that reform of cohabitation law would also help to address the uncertainty, unfairness and hardship that can arise on the termination of a relationship where the couple had a non-qualifying ceremony, or when one of the parties to a non-qualifying ceremony dies intestate.

The current law does fail to recognise many religious weddings outside the Church of England, the Quaker, Catholic and Jewish religions. The first option for couples falling outside this (if they want to get married in England and Wales) is to have a civil ceremony at a register office for recognition purposes, and either before or after that event, to have a separate wedding which reflects their beliefs i.e., two events which can be expensive, time consuming and creates practical difficulties. The alternative is to have one religious/non-religious wedding ceremony which is likely not to be recognised and not treated as a marriage. There is a widespread lack of understanding of the law, and people can make uninformed decisions with many choosing this latter option to their detriment.

The only other route is for a couple to go overseas to get married creating a perverse situation where an overseas marriage is more likely to be recognised than one conducted in England and Wales.

We do think that the new law as provisionally proposed will go some way to changing that, and there will be greater consistency between marriages in England and Wales and overseas. The burden is on the officiant and a wide definition of this role is needed to ensure as many wedding ceremonies as possible have legal consequences.

Consultation Question 89.

We invite consultees' views on the impact of the current law on:

(1) residents of England and Wales travelling to other jurisdictions to get married; and

(2) residents of overseas jurisdictions travelling to England and Wales to get married.

We invite consultees' views on the potential benefits of our proposed scheme relating to:

(1) residents of England and Wales travelling to other jurisdictions to get married; and

(2) residents of overseas jurisdictions travelling to England and Wales to get married.

As set out in our response to Question 85, under the current law there is more scope for people to be exploited and unknowingly enter into non-marriages, especially if coming to this jurisdiction from overseas. We consider that the likelihood of this would be reduced if the law is changed as proposed.

[REDACTED]

Resolution, December 2020

From: 
To: [Weddings](#)
Subject: Consultation on weddings.
Date: 02 January 2021 15:26:05

Although it would never admit it the Law Commission is intent on undermining the institution of marriage by trivialising almost every aspect of the wedding ceremony.

The Law Commission cannot claim on the one hand that the ceremony should be 'safe and dignified' while almost all constraints on the conduct of the event are removed. When almost any venue is allowed and when even the vows of the couple getting married can be varied at will how can the Commission describe this as 'safe and dignified'? Not only that - it is proposed that the parties will not even be required physically to speak or to be physically present. Until now, for obvious reasons, weddings have always been required to be open to the public; this requirement may now be abolished. If all these proposals are made lawful there will be no way of ascertaining that there has been genuine consent. At a time when there is reason to believe that many forced marriages are taking place it is utterly irresponsible to make such unions more easy to effect. Is the Law Commission on the side of order and stability where marriage is concerned or is it simply taking a neutral stand between those who believe in the idea of marriage and those who do not?

A wedding is not only about the couple concerned but even more about the family they will produce and the security, safety and stability of that small but vital unit. It is upon such units that the safety and dignity of the entire surrounding society depends. It is therefore vitally important that the ceremony is conducted seriously, that it takes place in a formal setting and that it involves defined words and phrases that contribute to the seriousness of the occasion.

If the Law Commission feels any responsibility for the long-term good of our society it would consign these proposals to the dustbin.

**LAW COMMISSION
CONSULTATION PAPER No 247
GETTING MARRIED: A CONSULTATION ON WEDDINGS
LAW**

Response to the Law Commission Consultation Paper

Prof David Hodson OBE MCI Arb

David Hodson

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January 2021

Introduction

This paper is my response to the Law Commission paper on getting married and reform of wedding law.

I have been pleased already to play a part in this process, initially the scoping project about four years ago and then in the preliminary work on this project in 2019. In summary it has my very substantial support. I am delighted at the prospect of making the process of getting married far more accessible, easier and less stuffy. At a time when the demographics indicate that marriage seems less prevalent amongst the less well off in our society, it should also make it a less expensive experience thereby leading to more getting married which in turn should lead to much more family life stability. But at the same time with this relaxation, it seems to me that, with a few minor changes to the reform, there will still be respect for the status and institution of marriage which is of course of fundamental importance.

I have a few general remarks, a few specific concerns about the actual ceremony and specific wording used and then, with some reluctance, I have to deal with the nullity type issues raised which are by far the most complicated in my assessment.

This paper is written in my own personal capacity and does not represent any other organisation with which I am involved. Nevertheless as a member of the Law Society Family Law Committee I have been part of the small group considering this reform and writing the response and I saw the draft of the final response. We decided that there were a few areas pertaining particularly to personal as well as faith-based elements which it was inappropriate to cover. I touch one a couple here

I set out my details in the Appendix. In summary, I am a solicitor, mediator, arbitrator, deputy district judge at the CFC and also Australian qualified solicitor. I have practised as a specialist family law solicitor for 35 years, almost entirely in central London. The primary area of my work has been financial aspects of marriage breakdown, often with an international element. I worked for two years in Sydney, Australia, about 10 years ago and I bring my Australian experience to bear in this paper. Through my private practice work I have considerable dealings with other countries and I bring this experience also to bear.

Specifically I have very considerable experience of recognition of foreign marriages, both in their own right but also in the context of divorce work. I have been involved in many cases in which it has been necessary to investigate the full background to foreign marriages, as a solicitor and as a judge. I am the author of the chapter on recognition of foreign marriages and divorces in the LEXIS-NEXIS textbook, The International Family Law Practice. I appreciate the Law Commission is not covering the law of recognition. But many of the cases concerning the law of weddings and marriage ceremonies pertain to foreign weddings, including in the realm of nullity.

I have for several years been a keen supporter of ROM, Register Our Marriage, and before its formation was an advocate for change for the major problem within the Islamic community of so many marriages not being good in civil law. We must find a way to help many who innocently find themselves not married according to law,

having expected that they were properly married, yet without weakening the structures otherwise surrounding the process of marriage. I believe this reform does.

I am involved in the number of [REDACTED] pro-marriage organisations, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] I have already indicated at the preliminary consultation in 2019 that I believe a number of elements of the Anglican marriage process have to change. Some are simply archaic and not fulfilling any realistic purpose. I continue to support faith-based wedding ceremonies as sufficient alone to constitute a marriage. [REDACTED]

[REDACTED] I can't see the justification for the Anglican Church still having a distinctive position alone in law

I had the benefit of attending three of the Law Commission online meetings where senior representatives spoke and took questions, including one specifically for ROM. May I respectfully say that I thought these were immensely good, helpful and clarified much in my own thinking. This was on top of some immensely well prepared charts and graphics in the documents accompanying the consultation.

I am not covering each and every reform proposal. I give my support to the Law Society response where we have endeavoured to cover many. I deal with those of distinctive concern

Pre-marriage education

There is some evidence that pre-marriage education, more precisely information, can have a significant benefit for a number of years of marriage. Marriage Foundation has produced studies showing that the greater risk is at the five year point of marriage rather than the anecdotal seven year itch. A number of the studies into pre-marriage education, perhaps with the analogy of those attending speed awareness courses, indicate that the benefits last perhaps five years i.e meeting the period of greatest need and risk. It is an area in which definitive studies are difficult, not least because of the variety of pre-marriage courses and the need to analyse the demographics of those attending. Nevertheless pre-marriage education, information, should be wholly supported

At the moment in law there has been a restriction on registrars giving out information. A number of years ago the Centre of Social Justice (CSJ) in its report, "*Family Matters*", recommended strong encouragement by government to attend a pre-marriage information course. I acknowledge I was a co-author. We identified the restrictions in law on registrars. Then, a decade ago, courses were all face-to-face and local. So much more has now opened up with the opportunity of remote courses and online videos and similar, although the face-to-face still has much to commend it. There is a multiplicity of courses available including some distinctive to faith-based communities.

Therefore I propose first that as a matter of law registrars shall be enabled to give information about local and other pre-marriage information courses, so that there is no statutory inhibition or prevention. Secondly and not just enabled so that restrictions

are removed, they shall be required to give this information to all couples when giving the requisite permission to marry. No suggestion that they should be provided but merely details given. Moreover I'm not suggesting here, as we did with the CSJ report that there should be a discount on the marriage fee for those attending although that may be worth considering subsequently. But a specific requirement to give information. It is no more than happens in many other realms of public life where public information is given at key stages. Thirdly, there should be no prohibition on providing information about faith-based organisations who have courses for members of their distinctive communities in accordance with the faiths of those communities.

Some of the evidence indicates that attending these courses enriches and significantly adds to the quality of the relationship experience. For this reason alone this proposal is important and valuable. But some of the evidence also indicates that it leads to lower rates of relationship breakdown either at all or more likely in the first few years of marriage. It alerts to the warning signs, the troublesome events which create particular pressures on relationships. It helps to prepare couples individually and together to face the pressure points and come through them. It is essential that we explore every opportunity for preventive, early steps measures to decrease the rate of relationship breakdown including decreasing the requirement for access to the family courts. Early intervention is crucial. Pre-marriage information is a vital part of these early steps, early intervention. I commend these recommendations

Information at the point of giving notice of intended wedding

I have had the benefit of reading the response of [REDACTED] in the context of informed consent. I myself might not necessarily go along with all of the additional requirements they have set out although wholly respect their position; as a divorce lawyer the thought of setting out a guide to English law on what would happen on divorce is daunting even if it were thought that anyone would read it when they are looking forward to lifelong union. But in general terms I entirely agree with them about the signposting, as above, and the knowledge in the most basic terms of the nature of marriage. I have little doubt that something could be prepared.

There have been many calls over the years for far more relationship education beyond that of sex education. For some that may not occur until almost at the point of getting married. We see in other walks of life the really high quality material produced on public information. I would like to see something similar available and provided. It would complement as well my proposals regarding on pre-marriage education

Public notice of the intended wedding

At an early stage in this consultation I indicated to the Law Commission that the present procedure should not have survived into the 21st-century and certainly cannot continue into its third decade. For example the process of giving Banns may have worked when the community all attended church weekly. But as a process of notification to the public of an intended wedding, it has not been fit for purpose for most of the 20th-century. It cannot continue. The equivalent in respect of civil wedding is moderately similar. Hence, I indicated my opinion, which I'm pleased to see is in the reform proposals, that this has to go online. It has to be publicly available. I agree these reforms.

But what information?

My understanding is that the proposal is the publicity would only indicate the permission to marry and the date of that permission with a requirement that it takes place within 12 months. I believe it should state a date. I have no problem with this being amended with a subsequent notice. But I still believe that the public is entitled to know that on a particular date a couple are getting married. A matter of public record which must remain public and in the public domain. It must be traceable, indexed. It is no substitute for the registration of the marriage certificate in the new procedure. But as a matter of public record it is crucial and should include the date

I have no problem with for example the name of the officiant having to be changed which should not trouble the public record e.g. for the reasons set out in the consultation paper.

The next element is location. It is not intended this will be a matter of public record. I agree although I know this has had controversy. The moment we allow the wedding to occur within a home environment as we are and should to satisfy the reasonable requests of our ethnically diverse community, we have to remove this aspect. We must trust the officiant and this is at the heart of this reform process which I have argued for some years should be placed as the model for our English reform as I have seen it work well in other countries. But the location itself, within the jurisdiction of England and Wales, should not be named in the public notification

There is a suggestion that exemptions may be available to the public record. I would be strongly opposed, even having considered what has been said in this regard. I worry hugely, not least based on my experience in the family law context, that it will be abused by celebrities and similar, seeking to keep their own affairs private. We are all equal under the law. Marriage is an institution for all under the law. The only exceptions are very exceptional e.g. deathbed weddings and similar. But otherwise, no. I am fully alert to the fact that any form of exemption will allow opportunities for dispute, argument, litigation and almost inevitable judicial widening of the categories.

But in all other regards, I support the move to the online notification process.

What does it mean to be married, specifically when is one married?

The Law Commission is aware of my unhappiness with what is presently proposed.

I believe strongly that within each ceremony there should be specific words used, well-known and well identified, at which point the observer can say this couple are now married according to law.

The consultation paper itself recognises the problem. It refers in terms that if it is not within the ceremony itself it is in the consent documentation. This is not good enough. It risks uncertainties. It gives rise to some of the very situations we have seen in the so-called nonqualifying marriage cases in law.

I have heard the response of the Law Commission that it would be inappropriate, quote, to shoehorn words and phrases into traditional ceremonies. I disagree strongly. The person conducting the ceremony, whether an officiant or someone from the faith-based organisation who has qualified also as an officiant for these purposes, is a representative of the law bringing about a change in the legal status of the parties and which has colossal implications for the couple and very many others across society. This includes nationality, inheritance, property holdings and so much more. We should not be delicate or precious. I cannot speak for any faith-based community, including [REDACTED]. But there are various forms for [REDACTED] wedding service, which can be chosen by the parties themselves in consultation with [REDACTED]. There is no good reason whatsoever why in all ceremonies a couple of sentences, perhaps even a variation of the sentences sometimes presently used, cannot make it absolutely clear that at that particular point they are married.

Observers are entitled to know that that point has been reached. It occurs in various forms already, usually accompanied by much cheering, clapping and delight by those gathered. So why not have identical words found in the multitude of forms which these proposals will allow. But one common denominator, a common thread in them all. Observers must be able to observe that the form of words were not used and ask why not. This is a further opportunity to overcome sham ceremonies or where one party is being duped into thinking it is a proper marriage in law.

My clear understanding is that this is the position in many other countries including within the common-law world with which we share many traditions and from which we are borrowing in part for these reforms.

It will overcome some of the potential problems which have occurred in the non-qualifying marriage reported decisions, if they had occurred in this country. *Hudson v Leigh* was the obvious scenario but there have been others.

They do not have to be substantial words and sentences. Some of us have discussed at the beginning of this consultation whether it should be what is the nature of marriage, and I have seen the helpful response of [REDACTED] in this regard with whom I am generally in agreement. I believe now that this element of marriage information should be at the point of agreeing to get married and the permission. Not in the ceremony itself. Therefore this again makes it easier and simpler for the insertion of standard words to be used in all marriage ceremonies in law in England and Wales. There would be variations for civil partnership.

I therefore strongly disagree with the proposal that there are no prescribed words. Couples will still have greater freedom as to the form their wedding takes. The new law will enable a variety of ceremonies that people use to enjoy their weddings including religious ceremonies. None of these elements are detracted in the insertion of prescribed words.

Nullity

This represents by far the longest chapter in the detailed consultation paper. It is by far the most technical and I suspect will have the least amount of responses. I doubt

anyone apart from a few lawyers would venture here. Most lawyers do so with a heavy heart!

I believe strongly this needs more work. I understand, after some consideration, why the Law Commission felt the need to enter into this area. However it is of a different sort altogether from the rest of the paper and the other proposals. With some modifications, the other proposals can go through without necessarily the detail and entirety of this nullity reform. I suspect relatively few of the respondents will be troubled if there is more consultation, particularly with lawyer organisations and lawyers, about this. I believe this is necessary

I would have wanted to see far more in the way of detailed changes in the statute law. I appreciate this invariably follows the consultation. I would want to see it here to be much clearer of what is being changed.

Of course I appreciate that this is not in reality about weddings or marriages. It's about entitlement to financial claims on relationship breakdown. If there is nullity, financial claims follow. If it is a nonqualifying ceremony, they don't.

For this reason I also understand and entirely respect the view put forward at one of the sessions that in general terms if one party alone was innocent about the failings of the procedure then it should be nullity so that financial claims are available and the innocent should not suffer. On those terms, naturally I sympathise with the sentiment.

I also understand that with a new marriage process we need to work out which elements are so fundamental as to lead to no marriage at all, as nonqualifying ceremonies are now described, or as elements which the law can rectify not in the form of certifying that it was a marriage but in providing the rights and entitlements as if it was. So I understand why this process had to be undertaken.

But I think it has gone too far in putting too many categories into the criteria of nullity. I say this with sadness as I know this would all might involve some innocent parties being left without relief.

I also believe that amendments to nullity law should be generally looked at with these changes. Of course this was not the brief. Of course other amendments have not been proposed for this reason. But as one looks at ss11-13 MCA, into which presumably this reform would go, one sees so many archaic elements which no longer pass muster, not least with the new divorce process in place hopefully autumn 2021. Non-consummation through incapacity or wilful refusal. Veneral disease. Already pregnant. Admittedly voidable rather than void but within the same nullity category.

I turn now to some of the direct questions. The diversity of situations raised highlights the need for a better principled approach in my opinion. Putting the focus simply on whether one person was innocent or deceived doesn't satisfy, in some instances, the fact that fundamental elements of the marriage ceremony were absent. This is why the test has to be more carefully examined.

Everyone has sympathies with innocent procedural defects which should not create a nonqualifying ceremony. Some examples are very questionable of the categories into

which they are suggested to be placed. One or particularly both parties knowing the officiant was not authorised. Knowing the permission to marry had lapsed. Absence of witnesses, a traditional constituent part. Failure to give notice of intended marriage. These are difficult elements which are in the grey borderzone. The consultation intends some would be void and some would be nonqualifying ceremony. But I suggest the general public might have difficulty perceiving the rationale for the distinction.

Then there is failure to express consent, intended to be nonqualifying ceremony. At the moment this is in the category of voidable, s 12.1.3 MCA. The question of consent and ability to consent is the subject of considerable case law; in areas such as mental capacity or knowledge in the context of duress. Many years ago I was part of a working party looking into potential remedies in the context of forced marriage. Some of these proposals touch on this very sensitive area and again I am anxious at the breadth of the brief.

The proposals suggest a presumption in favour of validity. This occurs in the proposals in a couple of circumstances but then goes on to suggest the presumption if the couple have cohabited for a long period of time and are believed to be married should actually be abolished. Yet these are some of the saddest cases before the courts. Perhaps some sort of ceremony followed by an expectation, a holding out by both of marital status and then finding that it is no such thing. I can understand why the general presumption should be abolished but then other presumptions are being created. Surely we can produce a law which doesn't require these sorts of presumptions, which are in any event uncomfortable in this arena of law.

I definitely agree the abolition of the three-year time limit on nullity petitions. This has produced harsh injustice. It has prompted judges understandably to seek to re-categorise the nature of certain ceremonies to create a justice, which has thereby inevitably brought some artificiality in the law itself.

In this consultation response, particularly given my significant support for so much of what is now proposed, now and as I have over several years, I had hoped very much to be able to devise, and put forward, an alternative structure of nullity law in how to deal with void and non-qualifying ceremonies and the injustices which could prevail. I'm sympathetic in principle to giving the benefit of the doubt if there is one innocent party but I don't see this translating into the reform proposals as suggested. Moreover it creates an immediate dichotomy about the ceremony itself; perhaps significantly defective but void if only one was aware, however nonqualifying if both. This is very unsatisfactory and will produce a lot of litigation about knowledge and awareness and similar. I don't think this is where we should be going. This should ultimately not be the direction or rationale of the reform in this chapter 10 area

Nullity reform: a possible alternative approach

So reluctantly I cannot, on 2 January 2021 and without more time and discussion with other lawyers, formulate an alternative set of nullity proposals and I'm disappointed to record this. If this is the route likely to be taken, I ask that the Law Commission conducts a distinct sub-consultation on this issue alone, with the opportunity to

consider how it might look in reform of primary legislation and to balance with other provisions of nullity law.

Of course the better answer is to provide a form of financial remedy in circumstances where one party alone is innocent, perhaps even duped or where both have been the victims. Where might this go?

English law has created in the mid-1980s, again after the initiative of the Law Commission, a curious distinctive power to grant quasi-divorce financial provision after a foreign divorce, Part III MFPA 1984. There are only half a dozen other jurisdictions in the world with this power. In my practice we deal with many of these cases and they are able to produce distinctive justice and fairness for those with an English connection and yet unfair, technically inadequate, provision abroad. Distinctly not described as a second bite at the cherry but an opportunity to produce fairness. Curiously in view of this present discussion, it also came out of difficulties of recognising distinctive forms of ceremony; in this instance whether to recognise a foreign divorce. Many non-divorce recognition cases are in the 1970s when there was significant litigation to show a divorce abroad should not be recognised in order to allow financial claims here. We have the same context in 2021, namely recognition of questionable marriage ceremonies, here or abroad, giving rise, or not, to possible divorce financial claims

As I have reflected at much length and considerable frustration in wanting to find a nullity solution, I wonder whether we should be jurisprudentially creative. Because so much of this discussion is not directed to the efficacy or status of the relationship ceremony but about financial elements, why can we not introduce a similar discretionary power, with the same filtering type process, for someone who had every reasonable belief that they were both married and had entitlement to rights as if married, either singly or together as a couple, and then allow financial remedies, perhaps similar to Part III?

If one party thought they were married and the other knew they were not then why in fairness and equity should there not be a discretionary power and opportunity for the former to bring quasi-divorce financial claims against the latter? If both thought they were married but had been duped or there had been a fundamental mistake in the marriage arrangements beyond their knowledge, why should there not be quasi-divorce financial claims given that they thought they were fully married. This also complements the abolition of the presumption of marriage as set out in other parts of the proposals. It would be discreet jurisdiction and distinctive jurisprudence. It would meet fairness and equity. It would look after the innocent party. It would respect the relationship of marriage and marriage commitments which one or both thought existed and on which they had lived their lives to that prejudice. It would avoid very cumbersome and quite anachronistic distinctions concerning the marriage ceremony itself thereby risking the respect for that process. It has much to commend itself in my reflection

I fully appreciate this was not in the reform consultation. But I respectfully suggest this sort of creativity is needed because I do not think the proposals in Chapter 10 give us a satisfactory solution at many levels. I urge a further sub-consultation on this distinctive issue and I encourage further thought to this jurisprudential opportunity to provide what the family courts do best, filling a gap with fairness and equity.

Conclusion

None of these remarks should detract from support for the significant amount of the proposals set out in the consultation paper. I am delighted to see them and wish them much success.

Marriage is a bedrock of almost all societies worldwide and throughout history. It is the fulfilment of personal happiness in relationships. It is the continuity of the generations. It is the stability which is the seedbed for other relationships, whether in the workplace, community action, faith and ethnic groups, and in many other ways. Marriage starts with a wedding. Law and society has great interest in this concept of what it means to create a marriage. We must do all possible to encourage those who may presently not be marrying through being put off because of perceived formalities and stuffy process and expense. We must create a more level playing field between distinctive favoured faith-based communities, other faith-based communities and civil and civic society. We must bring procedures into the mid-21st-century from their creation centuries earlier. I congratulate the Law Commission on some excellent proposals. I commend my recommendations

David Hodson


2 January 2021

Appendix

Details of the author

Prof David Hodson OBE MCI Arb is a family law dispute resolution specialist. He is an English solicitor (1978 and accredited 1996), mediator (1997), family arbitrator (2002), Deputy District Judge at the Central Family Court, formerly Principal Registry of the Family Division, London (1995) and an Australian (NSW) solicitor (2003) and mediator. He deals with complex family law cases, often with an international element.

He is practising in London and Surrey, England and Sydney, Australia. He is a founding partner and co-founder of The International Family Law Group, www.iflg.uk.com.

He was joint founder in 1995 of probably the world's first metropolitan practice to combine family lawyers, mediators and counsellors and with an emphasis on a conciliatory and holistic approach. It was subsequently copied in many practices across the world. He is a member of the English Law Society Family Law Committee, a Fellow of the International Academy of Family Lawyers, a member of LawAsia, the Asian Institute of ADR Professionals, the Family Law Section of the Law Council of Australia, past chairman of the resolution/Solicitors Family Law Association's Financial Provision Reform Committee, Training Committee and Good Practice Committee and founder member of its International Committee. He is a member of The President's International Committee. He is past vice chair of the UK College of Family Mediators, the umbrella organisation for family mediation. He is co-author of "Divorce Reform: A Guide for Lawyers and Mediators", "The Business of Family Law" "Guide to International Family Law" and consulting editor of "Family Law in Europe". He was an Accredited Specialist (with portfolios in Substantial Assets and International Cases), a past trustee of Marriage Resource and member of the Family Law Section of the Law Council of Australia and a member of the [REDACTED]. He was chair of the Family Law Reform Group of the Centre for Social Justice

He has written and spoken extensively on family law including many conferences abroad. He is the editor and primary author of "*The International Family Law Practice*", (LEXIS-NEXIS, 6th edition June 2021), the leading textbook on international family law, of which part of this is an extract. He was Family Law Commentator of the Year 2011

He was awarded the OBE for *services to international family law*. He is Visiting Professor at the University of Law and Honorary Professor of Law at Leicester University. [REDACTED].

The International Family Law Group LLP is a specialist law firm based in Covent Garden, London. Our legal team includes specialist accredited English lawyers, mediators, collaborative lawyers, arbitrators and Australian lawyers. We look after the interests of families and children, with a specific focus on international families. A key area of our work is recognition of foreign marriages and divorces and the financial consequences of relationship breakdown. We are committed to the use of digital innovations for the benefit of clients and resolution on international family law cases. We have outstanding links with law firms and specialist family lawyers within Europe and worldwide. Our website, www.iflg.uk.com is full of helpful information and we have a 24-hour abduction and emergency contact line

From: [REDACTED]
To: [Weddings](#)
Subject: My views
Date: 02 January 2021 11:58:09

Dear Law Commission

I understand that the Law Commission are consulting on the current Weddings Law. It is in my opinion that many of the proposed ideas/changes within the consultation paper are too vague and open. This will lead to nullifying the solemnity and importance of the Wedding Ceremony. The act of a wedding between two persons represents a important statement made to close friends, relatives and the general public which conveys the formal commitment of a partnership that demands absolute respect and support from all. To change a wedding to a lesser act by bringing a less well defined lawful commitment will only lead to a diminished seemingly unimportant decision making leading to irreverent acts.

Weddings should be solemn, respectful for all participants, have clear wording and be dignified to maintain the importance of the decision to marry.

Please do not let weddings become an amusement to have on a whim that will lead to less commitment.

Changing any of the current laws governing weddings will bring more diminished acts of responsibility by individuals, even to the extreme that someone would set out to have as many weddings as possible in their lifetime.

Please keep ALL current legal requirements for weddings.

Kind regards and Happy New Year.

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Reply
Date: 02 January 2021 23:45:32

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 2 January 2021 at 09:59:19 GMT
To: Coalition for Marriage <admin@c4m.org.uk>
Subject: Contact Form Submission

Full name: [REDACTED]

Email: [REDACTED]

Postcode: [REDACTED]

Message: I have been married for 60 yrs We are both complete companions which is when you need each other more than ever
It would appear all the Same sext Marriages , and their counterparts simply do not consider the future , especially for their children's future It's just for their needs today , never mind tomorrow .
[REDACTED] .

From: [REDACTED]
To: [Weddings](#)
Cc: [REDACTED]
Subject: UK wedding laws.
Date: 02 January 2021 22:18:43

To weddings@lawcommission.gov.uk

Dear Sir/Madam,

I'm writing to give my comments in relation to the review of the UK wedding laws. I, therefore, write as an individual.

1. In my view it is important to have laws which recognise the solemnity of the wedding service and the separate life the two people have chosen as a married couple. Both the location of the wedding and the words used, as vows, in the ceremony must reflect these. As a result of these a wedding ceremony should be an event that the public are free to know about and it should not be a private affair.
2. The laws should encourage those who would want to live together, to get married, as this is of benefit to the whole of society. In general, this also increases the overall benefit of the relationship, including providing greater security for any children.
3. Finally, I would stress the need for any registrar, overseeing a ceremony, to be reasonably confident that the marriage has been entered into freely, by both parties, without pressure from either the would-be partner or any other person.

[REDACTED]

From: [REDACTED]
Sent: 02 January 2021 15:29
To: Weddings
Subject: Consultation

Re: Weddings consultation

I have been following the efforts to ensure that registrars are made aware and fully responsible for ensuring that both parties are properly aware of their responsibilities in marrying. (Justice for Joan campaign).

Having recently lost both parents, in their nineties, I have witnessed how difficult it can be for strangers and even medical practitioners to recognise early stages of dementia. This affects the capacity of the individual to correctly recognise the implications of their actions and hence what may or may not be appropriate actions taken by others on their behalf.

I have been exceedingly concerned to understand the potential for coercion, and to realise that current legislation does not fully protect individuals with reduced capacity. Similar vulnerabilities can also be anticipated for younger people with milder forms of learning disability.

It is for this reason that I hope we will now see legislative change to offer better protection to vulnerable individuals in our society. I realise that this places more responsibilities on registrars and their offices but I believe that they have a duty of care in regard to weddings as much as in the correct and legal registration of births and deaths.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 02 January 2021 16:45
To: Weddings
Subject: Law Commissions consultation on wedding law.

I understand there is at present a proposal under construction by the Law Commission to radically change the UK. Law on legal weddings.
I make the following points and proposal as an individual.

1. The church I attend is officially registered to conduct marriages, which are attended by a Registrar Officer – there to ensure the wedding vows i.e, ‘the prescribed words’ are spoken correctly.
2. This has been carried out without any problems or objections since our opening [REDACTED]. The proposed change would affect weddings at our church – we need an Official Registrar.
3. Personally, I believe that the law as it stands enables couples to make a legal and binding moral commitment to each other. Therefore the Law Commission’s proposal would be taking away the dignity of marriage and proposing a trivialised form of ceremony.

[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

From: [REDACTED]
Sent: 02 January 2021 14:58
To: Weddings
Subject: response
Attachments: Law Commission response.docx

My response to the suggestions as published.
I am a registrar.

[REDACTED]

[REDACTED]

Q3 We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.

Couples have complained about their anxiety with regard to their marriage arrangements, asking will they need to give notice again, what happens if the venue is no longer available and when will they have answers.

Q5 We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in person interview at a later date. Do consultees agree?

The completion on-line or by post opens the opportunity for one person to give notice for both parties unbeknown to the registration service. There must be a face to face interview held individually so that registrars can form an opinion as to whether the marriage is sham/made under duress/ should be reported under S 24.

Q6 We invite consultees' views as to whether the minimum period between the in-person interviews and the date from which the couple can get married should be: (1) three days; (2) seven days; or (3) another period of time

It should sufficient time for the schedule to be posted to the officiant; for the officiant to enquire should it not be received and a duplicate to be re-sent or collected if needed. I would suggest at least 2 working weeks.

Q7 We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent

Definitely not. The face to face interview gives the registrar an opportunity to judge if it is a sham marriage/forced marriage or if information given by one of the other is sufficient to show they know one another!

Q11 We provisionally propose that: (1) the schedule should identify the officiant who will officiate at the wedding

This implies that only independent officiants will be officiating and makes no provision for the registration service staff to continue in that role.

Q18 We invite consultees' views as to whether: (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the

Church of England and the Church in Wales; or (2) all weddings should be preceded by civil preliminaries.

For equality there should be only civil preliminaries.

Q23 We provisionally propose that: (1) for religious organisations⁸¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and (2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings. Do consultees agree?

For equality all ceremonies should have a civil officiant attend whether they officiate or some-one else leads the ceremony.

Q24 We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed

No – all organisations should be on a recognised list – if indeed the purpose of the consultation paper and subsequent reform of the marriage law is to create a clear and simple set of rules

Q25 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has: (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and (2) a wedding service or a sincerely held belief about marriage. Do consultees agree?

No answer as Q24

Q32 We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs. Do consultees agree?

Yes NB. If universal civil preliminaries are in place then a civil officiant should attend all ceremonies regardless of who leads the ceremony

Q40 We provisionally propose that there should be no time limit on the authorisation of officiants. Do consultees agree?

No There should be a time limit. Every officiant should be required to fulfil knowledge of current marriage and civil partnership law. Marriage preliminaries have changed a great deal since the Immigration Act and I am sure there will be many more changes to come. Officiants must keep up to date and demonstrate that they are.

Q42 We provisionally propose that: (1) during every wedding ceremony, the parties: 1. No – we should maintain the status quo:

(a) should be required to express their consent to be married to each other, whether orally or otherwise, but (b) should not be required to express that there is no impediment to them marrying each other (with the issue of impediments being addressed during the preliminaries); (2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs; (3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and (4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document). Do consultees agree?

No Couples should be obliged to state they are free to marry/form a civil partnership and are willing to do so. The marriage/civil partnership should be complete with the couple, witnesses and the officiant signing. Without making these statements before witnesses and the officiant, how could one party show they were unaware that there was an impediment to the contract .

Q48 We provisionally propose that all weddings should be legally permitted to take place anywhere. Do consultees agree?

Yes with the proviso that all insurances etc are in place and that an alternative venue is published on the schedule should the weather prevent the original one being unsuitable.

Q51 We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved. Do consultees agree?

No The officiant could have a financial interest. At present the local registration service has the authority to approve venues and I believe this should remain the case.

Q54 We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it: (1) the date of the wedding; (2) the location of the wedding; and (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent". Do consultees agree?

Yes so long as that information is added before the signatures are entered. The officiant should have the legal responsibility of delivering the schedule to the register office local to the venue.

Q65 We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months. Do consultees agree?

No What is the point as after 28 days they could marry as any other couple can? In my experience most Registrar General's licences are at short notice – hours or days rather than weeks. If RGLs are abolished couples would give notice in the usual way and depend on the waiver process. Where a foreign national is involved this could involve the Home office Immigration department causing difficulty.

Q69 We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales. Do consultees agree?

Would you expect notices to be given in the usual way (on line/post) and the 28 days wait to elapse? Could this be done whilst at sea or do you propose the civil preliminaries to have been completed with the face to face interview haven taken place? What happens if the ceremony could not take place whilst in British waters? This raises too many unanswered questions.

From: [REDACTED]
To: [Weddings](#)
Subject: Proposed changes to wedding venues and wordings
Date: 03 January 2021 21:24:14

Dear Sir or Madam

I write to express my concern about the proposed changes to weddings, in particular that they be allowed to take place anywhere (eg. In a cave, on an aeroplane, underwater) rather than specified places. I understand marriage to be a time when a couple make a solemn vow to each other and I am concerned that to allow the potential for what can only be described as frivolous venues would remove all gravitas from the occasion. Weddings are meant to be joyous occasions, but there does need to be some solemnity if the vows are to be taken seriously.

Yours sincerely

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 03 January 2021 12:30
To: Weddings
Subject: Weddings

As an Anglican clergyman I have officiated at many weddings. I now agree that the law needs to be changed along the lines of the consultation document. However I would prefer it to go further. I feel weddings need no legal basis. I feel people can do whatever they want to celebrate or not celebrate.

The time for legal action is when children are born. Such legislation should be there to protect the children and where necessary to protect a partner.

Rev'd [REDACTED]

From: [REDACTED]
Sent: 03 January 2021 17:42
To: Weddings
Subject: Weddings law consultation

A bit late I know, but the above has only recently been brought to my attention.

At a brief assessment of the proposals, it seems as though the law relating to marriage might as well be removed altogether. We risk having a contract which is about as strong and menaingfull as someone under age walking into a betting shop and putting a fiver on a horse.

If the ceremony can be conducted almost anywhere by almost anyone saying anything in front of anyone or no one in public or private with no requirement to check eligibility, where do we stand. It seems an open charter for a controlling person to trap a vulnerable person in a form of bondage.

In other parts of our society we require very specific wording verbally or in written form. A police caution when arresting a suspect, an oath before giving evidence to a court of law, a declaration on a tax return and other similar government documents,are just some examples.

There seems very little left of importance when a wedding or marriage ceremony should be a contract between two people who are legally entitled to enter into that contract and suitably witnessed. In the 21st century there is less commitment to the idea of marriage being for life and some of the actual wording may need to be brought up to date.

Sincerely,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Weddings](#)
Subject: Consultation
Date: 03 January 2021 16:45:05

TO THE WEDDING TEAM.

Life is simpler if you do not fix something that is already working.

- The reader of this response to your consultation maybe unaware of the agenda of the Frankfurt School whose objective is to introduce Marxist thinking without violent revolutions and seek other ways to change society.

One of those ways is continual change to create confusion.

Marx was convinced governments were best for managing the utopias he envisaged. It appears that these changes to the law that you are consulting on would create the confusion the Frankfurt School were aiming for.

There are few telling words in the Bible taken from Psalm Two.

"Why do the heathen rage and the people imagine a vain thing? The kings of the Earth set themselves and the rulers take counsel together, against the Lord and has anointed saying, "Let us break their bands asunder, and cast away their cords from us."

He that sitteth in the heavens shall laugh: the Lord shall have them in the derision.

The psalm ends with , "Blessed are they that put their trust in him."

I am sure you are seeking his blessing in all your endeavours, not confusion.

Yours faithfully,

[REDACTED]

From: [REDACTED]
Sent: 03 January 2021 16:09
To: Weddings
Subject: Law Commission's consultation on weddings law: a response

Dear Sir/Madam,

This is a response to the Law Committees consultation on Wedding Law. I have a few responses to some of the questions posed which I refer to below:

No registrars in church weddings
(Question 20)

Stopping Civil registrars being available in churches will make it very hard for around half (I understand) of UK local churches (who do not employ a licensed officiator) to hold wedding ceremonies in their entirety. There will need to be a further civil aspect to the wedding at a separate location to the church, if the couple wish to have a traditional church ceremony. This seems like a logistical hurdle and an extra expense for many couples who want a wedding in their 'home' church?

Threat to unpopular beliefs (Question 26)

The wording of this statement is too subjective and leaves itself open to future abuse even if that is not the intention. It seems that offending 'public morality', presumably whatever the prevailing public trends of the day are, could bring the church into collision with the law. The church obviously adheres to moral absolutes which may be in conflict with the particular moral/ethical whims of the day
Can the breaking of specific laws be nominated e.g. promoting terrorism; bigamous marriages, etc?

Independent officiants (Question 29)

Introducing independent officiants is cause for concern. These people could have little regard for ascribing any dignity and gravity to marriage but every incentive to make money by catering to those who have been turned down by civil/religious officials for pushing the boundaries of what constitutes a suitable ceremony.

Abolishing prescribed words (Question 42)

This is possibly the most abhorrent proposal of all. This leaves the door open to marriage services which have little to no meaning. No vows means no commitment/obligation which means "what is the point", surely?

Full customisation of wedding ceremonies (Question 43)

There already exists the option for couples to have non-legally-binding wedding services which can cater for their every whim. If people want a fully personalised service they can opt for this route. Legal marriage is of benefit to society; why should society endorse something which is totally self-centred and of arguable benefit to society?

Scrapping 'open doors' (Question 47)

Weddings are the commencement of committed marriages which are in turn the bedrock of stable and successful society. They concern society and are vital to it and therefore should be 'public' occasions in that sense.
Closed door weddings play into the hands of those who would arrange 'forced' marriages or attempt bigamous marriages.

No restrictions on venues (Question 48)

Again, one can see the dignity and gravity of weddings being stripped away.

Yours Faithfully,

[REDACTED]

From: [REDACTED]
Sent: 03 January 2021 05:06
To: Weddings
Subject: Religious wedding NIKKAH MUST be recognised in UK A.S.A.P

Islamic faith marriages are not valid under English law, the court of appeal has ruled, in a blow to thousands of Muslim women who have no rights when it comes to divorce.

This means that many have absolutely no rights at the end of what they believe to be their ‘marriage’. No rights to assets in the husband’s sole name, and no rights to maintenance.
The law in these cases is not keeping up with society. These vulnerable women need better protection than the law currently provides.
This matter is of fundamental importance to Muslim women across the UK ... leaving many women at great financial risk in unhappy relationships. Except Muslim women to turn to sharia ‘courts’, which already cause significant harm to women and children, for remedies because they are now locked out of the civil justice system.
Current Law is outsourcing of justice on family matters to unaccountable and fundamentalist-inspired community-based systems of religious arbitration. This is not about recognising religious marriages; it is about the state guaranteeing equality to all before the law. Urgent REFORM LAW will provide protection from various Abuses be the voice of millions victim who are suffering in silence.

Kind Regards
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 January 2021 17:06
To: [REDACTED]
Subject: [REDACTED]

Not sure why this one came through to me, but please see below.

-----Original Message-----

From: [REDACTED]
Sent: 05 January 2021 17:01
To: [REDACTED]
Subject: [REDACTED]

[REDACTED]

Please see below an email response which came through from the consultation website.

Thanks,
[REDACTED]

[REDACTED]

[REDACTED]

On 05/01/2021, 16:24, [REDACTED] wrote:

Email Address - [REDACTED]

Message - Many Muslim women are not aware that their nikah, or Islamic marriage, is not recognised under British law. So what can Muslim women do to ensure their safety?

Most of your Muslim female peers are in a relationship. However, recently, the court of appeal ruled that any Islamic marriage within the UK is not a valid one.

It may come as a surprise to both Muslims and non-Muslims, that the UK's Marriage Act of 1949 has not been updated, meaning only the Church of England, Jewish and Quaker marriages can be legally registered.

This is especially alarming as a survey in 2017 showed that nearly two-thirds of Muslim women had not performed a civil ceremony alongside their nikah (the faith-based vows) yet all had participated in an Islamic ceremony. So when you go to a Muslim wedding, if it is not registered under English law separately, it won't count as a marriage in the UK.

Islamic faith marriages are not recognised as they do not fall within the definition of marriage as described within the Marriage Act 1949.

Under English law, there are three categories for marriage: valid, void and non-marriage. Valid marriages mean both men and women can get the benefits of divorce, void marriages can be nullified and non-marriages cannot be legally ended because they legally never existed.

1) Firstly, most won't realise that their marriage is not counted if there's no English registration ceremony too.

2) If you get married in a Muslim country abroad and return to the UK, your marriage then is accepted. But if you get married here as a Muslim, it will not be so there is also understandable confusion around the semantics in marital law concerning Muslims.

3) There's also the sexist pressure to not ask for too much, as the wife. The idea that you're getting married and don't need two wedding days is culturally pressed upon women.

4) But today, women are not even asking for their basic human rights because it is considered unfeminine and immodest.

5) There's the case of complacency. The idea that the registration is something to get around to do eventually. It can lead up to years and decades of women living in situations where if anything goes wrong, they are left with no rights as a

wife within English law and in many ethnic minority cultures in Britain, seen as the black sheep for getting a divorce. Even if Islamically, it is well within their rights.

6) But for the majority of women, it won't be as easy as this. As most Islamically married Muslim women in the UK do not have civil partnership rights, those in 'safe relationships' will continue to stay in their marriages for the sake of it, but in the most dangerous of situations it could enable emotional, physical and mental torture.

7) The rise of Muslim women to be fear-mongered into staying in a toxic marriage because they are corned into this idea that in all ways, it is safer for them to remain married, is anticipated.

8) For the most marginalised women, this means they will be left with little or no protection. They may lose their homes, no financial support from their spouse and have to rely on family or the state to look after them, The most vulnerable will be left open to abuse.

9) Muslim women will also be expected to turn to sharia councils, who have limited jurisdiction when it comes to children and finance.

10) Sharia councils can be expensive and arguably, biased depending on who from the community is looking over the case.

To change the law so Islamic marriage can be seen as the norm and maintain accountability and the safety of Muslim women, to make sure the knowledge we're receiving is accurate, non-biased as well as critiqued in a conscious manner.

Kind Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [REDACTED]
Sent: 03 January 2021 21:50
To: Weddings
Cc: [REDACTED]
Subject: Law Commission Consultation Questionnaire & Addendum
Attachments: 03-01-21-NCFM-LC CONSULTATION-WEDDINGS LAW.pdf; 03-01-21 ADDENDUM-EBS-LC-CONSULT-WEDDINGS LAW.pdf

To Whom it may concern

Please find attached the National Commission on Forced Marriage (UK) response to the Law Commission Consultation on Weddings Law.

We have attached two pdf files: (1) The Questionnaire complete with our answers and after the answer to Question 91 the Addendum by our Chair The Rt Hon Baroness Butler-Sloss.
(2) A file of the said Addendum.

Should you have any queries, please do not hesitate to get in touch with me.

Yours

[REDACTED]

[REDACTED]

Director

National Commission on Forced Marriage (UK)

Your Life, Your Marriage, Your Choice

[REDACTED]



Chapter 14: Consultation Questions

Consultation Question 1.

14.1 We invite consultees to tell us if they are in a marriage that is not recognised by the law, whether celebrated in a religious or non-religious ceremony. And if so:

- (1) did you understand that the marriage would not be recognised by the law at the time of the wedding, and if not, when did you find out?
- (2) was it your choice not to have a legally binding wedding (and if so, what were your reasons for doing so)?
- (3) have you experienced any consequences from not being in a legally recognised marriage?

ANS: 14.1

1. Many young people whom we consulted had left legal arrangements to their parents and elders of their families. They had no idea that not registering their marriage meant that they were not legally married. Often they did not find out until the marriage was ended.
2. It was not the choice of many young people to not have a legally binding wedding because they were not told and were not aware of the need for registration or the consequences of non-registration.
3. Many young women consulted by us had no idea that their religious marriage had no legal standing. When the marriage ended, they discovered to their detriment that they had no right to financial support because they were not in a legally recognised marriage. **Paragraph 1.58**

Consultation Question 2.

14.2 We invite consultees to tell us about any legal barriers that prevented them from having a legally binding wedding that was meaningful or personal to them, whether they are legally married or not.

ANS: 14.2 Under Islamic law, it is legal for a man to marry a second, third and fourth wife; and some Muslim groups can have 'time-limited' marriages. We have been told by Orthodox Jewish women that it is legal for men of their faith to take a second wife. A second, third or fourth marriage cannot be recognised under the law in England and Wales. It is essential for all religious marriages like a 'nikah' to be registered.

Paragraph 1.59

Consultation Question 3.

14.3 We invite consultees to share with us their experience with weddings during the COVID-19 pandemic.

ANS: 14.3: N/A

Paragraph 1.65

Consultation Question 4.

14.4 We provisionally propose that the requirement that couples are resident in an English or Welsh registration district for seven days prior to giving notice of their intention to marry to the superintendent registrar should be abolished.

Do consultees agree?

ANS: 14.4: Yes.

Paragraph 4.92

Consultation Question 5.

14.5 We provisionally propose that it should be possible to start the notice period by giving notice online, by post or in person at any registration district, and that any person giving notice online or by post would be required to attend a separate in-person interview at a later date.

Do consultees agree?

ANS: 14.5: Yes.

Paragraph 4.93

Consultation Question 6.

14.6 We invite consultees' views as to whether the minimum period between the in-person interviews and the date from which the couple can get married should be:

- (1) three days;
- (2) seven days; or
- (3) another period of time.

ANS: 14.6: It should be at least two weeks, to give time to make proper checks should potential safeguarding issues arise.

Paragraph 4.94

Consultation Question 7.

14.7 We invite consultees' views as to whether it should be possible for interviews to take place remotely, in the future, with the possibility of an in-person interview being required where concerns arise about sham or forced marriages or the capacity of either party to consent.

ANS: 14.7: There should always be a personal interview with identification documents and an interpreter, if necessary. The interpreter should be independent and not a member of the family or family friend. This is to ensure any issues of lack of capacity or lack of genuine informed consent to the marriage can be identified by the questioner. This is particularly important for people with learning disabilities to ensure that they understand what it means to be married; and to ascertain their informed consent.

Paragraph 4.95

Consultation Question 8.

14.8 We invite consultees' views as to whether it should continue to be possible for notice to be given outside England and Wales where one of the couple who is resident in Scotland, or in a specified Commonwealth country or territory, or on a naval ship at sea, and both are relevant nationals or exempt from immigration control.

ANS: 14.8: The face to face interview is more important in all instances than from where the notice is given. It is important that sufficient time is given between the giving of notice, and the face-to-face interview, and the actual wedding. This is important should there be a situation where there is a safeguarding issue and arrangements have to be made.

Paragraph 4.96

Consultation Question 9.

14.9 We provisionally propose that notices of marriage should be publicly displayed online, save where this would expose either of the couple to a risk of harm.

Do consultees agree?

ANS: 14.9: We agree, but want to highlight that there MUST be proper risk assessment (with agreed protocols set in place by the Registrar General) before the notice of marriage is publicly displayed.

Paragraph 4.97

Consultation Question 10.

14.10 We provisionally propose that the schedule should be valid for 12 months from the date of issue.

Do consultees agree?

ANS: 14.1 Yes

Paragraph 4.98

Consultation Question 11.

14.11 We provisionally propose that:

- (1) the schedule should identify the officiant who will officiate at the wedding; and
- (2) at the parties' request, the registration service should issue an amended schedule with a substitute officiant.

Do consultees agree?

ANS:14.11: Yes, but we are concerned that a substitute may be provided at the last moment from within the community. It is important that the substitute officiant is independent of the family and has had proper training. The substitution should be of a person from a list of officiants held by the local Registrar, and by the Registrar General.

Paragraph 4.99

Consultation Question 12.

14.12 We provisionally propose that a substitute officiant should be able to officiate at the wedding if the officiant named in the schedule is unexpectedly unable to act because of death, sudden illness or unavoidable delay.

Do consultees agree?

ANS: 14.12: Yes, but subject to the same conditions as set out above in the answer to Question 14.11.

14.13 We invite consultees' views as to whether a substitute officiant should be able to act in other circumstances.

ANS: 14.13: Yes; subject to the other conditions already set out in the answer to Question 14.11.

Paragraph 4.100

Consultation Question 13.

14.14 We provisionally propose that banns published in Scotland, Northern Ireland or Ireland should no longer authorise an Anglican wedding in England or Wales.

Do consultees agree?

ANS: 14.14: N/A

Paragraph 4.149

Consultation Question 14.

14.15 We provisionally propose that the rules about where banns can be published to authorise an Anglican wedding if a church is injured by war damage should be repealed.

Do consultees agree?

ANS: 14.15: [N/A](#)

Paragraph 4.150

Consultation Question 15.

14.16 We invite consultees' views as to whether banns to authorise an Anglican wedding should be required to be published only in the church where the wedding is to take place.

ANS: 14.16: [N/A](#)

Paragraph 4.151

Consultation Question 16.

14.17 We invite consultees' views as to whether to authorise an Anglican wedding clergy should:

- (1) have the power to call for documentary evidence and be required to check such evidence; and
- (2) be required to meet with each of the couple separately, before banns are published.

ANS: 14.17: [Yes](#).

Paragraph 4.152

Consultation Question 17.

14.18 We invite consultees' views as to whether both of the couple should be required to attend and make separate declarations that there is no impediment to their marriage in order for a common licence to be granted to authorise an Anglican wedding.

ANS: 14.18: [Yes](#).

Paragraph 4.153

Paragraph 4.153

Consultation Question 18.

14.19 We invite consultees' views as to whether:

- (1) Anglican preliminaries should continue to be recognised as legal preliminaries to weddings officiated by the Church of England and the Church in Wales; or
- (2) All weddings should be preceded by civil preliminaries.

ANS 14.19: (2) All weddings should be preceded by civil preliminaries.

Paragraph 4.173

Consultation Question 19.

14.20 We provisionally propose that all weddings should be attended by an officiant who should have a legal duty to:

- (1) ensure that the parties freely express consent to marry each other;
- (2) ensure that the other requirements of the ceremony are met; and
- (3) ensure that the schedule or (if Anglican preliminaries are retained) marriage document is signed.

Do consultees agree?

ANS: 14.20:

- (1) Most important to ensure that the parties freely express informed consent to marry each other.
- (2) We are concerned by what is meant by, 'other requirements', which requires some elucidation. *
- (3) The schedule should be signed and witnessed.

Paragraph 5.65

Consultation Question 20.

14.21 We provisionally propose that registration officers should only be able to officiate at civil weddings.

Do consultees agree?

ANS: 14.21: The following questions need clarification.

It is not clear if registration officers for the purposes of this question, are the equivalent of officiants. Would a registrar marry the couple? Is it intended that officiants should only take part in religious services?

Paragraph 5.66

Consultation Question 21.

14.22 We provisionally propose that only one registration officer should need to officiate at a civil wedding.

Do consultees agree?

ANS: 14.22: Yes. This should apply to all weddings, civil and religious.

Paragraph 5.67

Consultation Question 22.

14.23 We provisionally propose that clerks in Holy Orders within the Church of England and the Church in Wales should be recognised as officiants by virtue of their office.

Do consultees agree?

ANS: 14.23: Yes, provided they have the requisite and on-going training, authorised by the Registrar General, which should be in place for all marriage officiants and registrars.

Paragraph 5.144

Consultation Question 23.

14.24 We provisionally propose that:

- (1) for religious organisations¹ other than the Church of England or the Church in Wales, the relevant governing authority of the organisation should be responsible for nominating officiants to officiate at weddings; and
- (2) (if Government enables non-religious belief organisations to officiate at weddings) the relevant governing authority of the non-religious belief organisation should be responsible for nominating officiants to officiate at weddings.

Do consultees agree?

ANS: 14.24 (1) No. We are concerned that 'the relevant governing authority' would appoint a religious leader or elder of that religious or other organisation, with the danger that there might not be a proper check on the lack of capacity (disability and age), and lack of consent within groups.

There are doctrinal differences on marriage and divorce laws in all faiths, as well as non-faith groups. It is essential that there should be no written or spoken words used, and no text or undertaking that the two parties to the marriage should be required to sign, which contrary to Human Rights' legislation and the Equalities Act 2010.

ANS: 14.24. (2) No. There is a real danger that the responsibility of the state towards safeguarding women and other vulnerable members of religious and other communities is being shifted to religious and community organisations.

There should be an independent list of all officiants in England and Wales, held by the Registrar General, and a specific list of all local officiants with the local Registrar. The officiants must have training authorised and be certified by the Registrar General. **Paragraph 5.145**

Consultation Question 24.

14.25 We provisionally propose that, if Government enables non-religious belief organisations to officiate at weddings, such organisations should be defined (to mirror the description of religion in *R (Hodkin) v Registrar General of Births, Deaths and Marriages*²) as

An organisation that professes a secular belief system that claims to explain humanity's nature and relationship to the universe, and to teach its adherents how they are to live their lives in conformity with the understanding associated with the belief system.

Do consultees agree?

ANS: 14.25: An organisation that professes a secular belief system should be accepted and allowed to nominate officiants to be placed on the general and local register. They should have to undergo the same training as all other officiants.

14.26 We invite consultees' views as to whether there should be a list of types of organisations that should not amount to a non-religious belief organisation for the purpose of officiating at weddings, and if so, what types of organisations should be listed.

ANS: 14.26:

Paragraph 5.146

¹ That meet the description given by the Supreme Court in *R (Hodkin) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77, [2014] AC 610.

² [2013] UKSC 77, [2014] AC 610.

Consultation Question 25.

14.27 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants if the body has:

- (1) at least 20 members who meet regularly for worship or in furtherance of their beliefs, and
- (2) a wedding service or a sincerely held belief about marriage.

Do consultees agree?

ANS: 14: 27: (1) We are concerned at the number of groups that could emerge across England and Wales. How will such small groups nominate officiants; and how will the officiants be regulated and monitored.

ANS: 14.27: (2) We are concerned about the standards of the on-going training and monitoring of officiants by the Registrar General. Training and monitoring of officiants must not be left to the groups. We suggest, therefore, that all groups should choose officiants from a local list held by their local Registrar or the complete list held by the Registrar General.

Paragraph 5.148

Consultation Question 26.

14.28 We invite consultees' views as to whether the law should expressly exclude religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations from nominating officiants if the organisation promotes purposes that are unlawful or contrary to public policy or morality

ANS: 14. 28. We are opposed to religious organisations nominating their own officiants within their own communities for the reasons given in answer to question 23. We agree that organisations that promote unlawful or contrary to public policy behaviour should not nominate officiants from their own organisations. We reiterate that there should be a list of independent officiants held by the local Registrar and the Registrar General.

Paragraph 5.149

Consultation Question 27.

14.29 We invite consultees' views as to whether religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to nominate officiants by office, in addition to nominating named individuals.

ANS. 14.29. The responsible authority should be the Registrar General and not an organisation. Religious organisations and non-religious organisations, or any other organisations can nominate officiants, but ALL officiants must have on-going training on matters of capacity and informed consent. They should be registered with the Registrar General.

Paragraph 5.150

Consultation Question 28.

14.30 We provisionally propose that nominations of officiants by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be made to the General Register Office, which should be responsible for keeping a public list of all nominated officiants.

Do consultees agree?

ANS: 14.30. No. See Answer to Question 23

Paragraph 5.151

Consultation Question 29.

14.31 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be able to apply to the General Register Office to be authorised and included on the public list of officiants.

Do consultees agree?

ANS: 14.31 If accepted by the Registrar General, all officiants should be independent and willing to officiate at weddings other than those from their specified organisations.

Paragraph 5.152

Consultation Question 30.

14.32 We provisionally propose that religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be responsible for ensuring that the persons they nominate as officiants are “fit and proper” persons.

Do consultees agree?

ANS: 14.32 No see Answer 23. The regulation of officiants must be with the Registrar General.

Paragraph 5.187

Consultation Question 31.

14.33 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants applying to be authorised should be required to demonstrate that they are “fit and proper” persons by proving that they:

- (1) are aged at least 18;
- (2) understand the legal requirements for being an officiant and performing the role; and
- (3) have undergone mandatory training and continuing professional development in the legal aspects of being an officiant, with the content to be determined by the Registrar General.

Do consultees agree?

ANS: 14.33.(1) Yes. (2) It is essential for the officiant to have the appropriate knowledge, experience and training to ensure that the requirement of capacity and informed consent are satisfied. (3) It is essential that the people chosen as officiants have the appropriate training and guidance and can demonstrate during the on-going training that they are fit and proper persons to carry out these duties.

The critical issue is that the drafting and implementation of the mandatory training of the trainers of officiants meets the obligations of the Equality Act 2010 and Human Rights legislation and principles. There is a requirement for complete transparency and rigorous monitoring of the process. It is crucial to have in mind that some

religious practices do not give men and women equal rights in relation to the right to divorce; right to dower; right to financial relief; right to custody of children as well as different rights in relation to a male and female child. And the negation of these rights is contrary to the law of England and Wales.

Paragraph 5.188

Consultation Question 32.

14.34 We provisionally propose that officiants nominated by religious and (if enabled by Government to officiate at weddings) non-religious belief organisations should be prohibited from making a business of officiating at weddings, by elevating the making of profits above the expression of their beliefs.

Do consultees agree?

ANS: 14.34 No see Answer 23

Paragraph 5.189

Consultation Question 33.

14.35 We provisionally propose that (if enabled by Government to officiate at weddings) independent officiants should be prohibited from acting with a conflict of interest but that there should not otherwise be limits on the fees that they can charge for officiating at a wedding.

Do consultees agree?

ANS: 14.35 Yes. We consider officiants should be paid but the fees should be fixed and collected by the local Registrar. The local Registrar can retain a percentage of the fees for administration costs.

Paragraph 5.190

Consultation Question 34.

14.36 We provisionally propose that, if Government enables independent celebrants and/or non-religious belief organisations to officiate at weddings, it should not be possible for the same person to be:

- (1) authorised as an independent officiant and nominated by either a religious or a non-religious belief organisation; or
- (2) nominated by both a religious and a non-religious belief organisation.

Do consultees agree?

ANS: 14.36 Yes and look at Answer 23. This situation could not arise if the officiant is selected from the list held by the registrar.

Paragraph 5.191

Consultation Question 35.

14.37 We provisionally propose that officiants should have a responsibility to uphold the dignity and solemnity of marriage.

Do consultees agree?

ANS: 14.37 Yes

Paragraph 5.200

Consultation Question 36.

14.38 We provisionally propose that the General Register Office should issue guidance to all officiants on how weddings should be conducted.

Do consultees agree?

ANS: 14.38 Yes essential. And there should be continuing training and monitoring of officiants.

Consultation Question 37.

14.39 We provisionally propose that the primary responsibility for monitoring officiants and requesting withdrawal of authorisation if they fail to comply with the fit and proper person standard or their duties or responsibilities should lie with the organisation that nominated them.

Do consultees agree?

ANS: 14.38 No. The primary responsibility for monitoring and withdrawal of officiants should be with the Office of the Registrar General. Community organisations can nominate officiants but the training and monitoring, and withdrawal of authorisation must lie only with the office of the Registrar General. A Marriage/wedding is an important life cycle event with long-term consequences, for the individual, the

couple and their children, the family and communities. The responsibility for training, monitoring and evaluation of officiants must be with the Registrar General and not with any other organisations.

Paragraph 5.212

Consultation Question 38.

14.40 We provisionally propose that the General Register Office should have the power to de-authorise nominated officiants if they fail to comply with the fit and proper person standard or their duties or responsibilities, and if the body who nominated them fails to act.

Do consultees agree?

ANS: 14.40: Yes essential. It must be the responsibility of the General Register Office to maintain a list of suitable independent officiants and to monitor their training and suitability.

Paragraph 5.213

Consultation Question 39.

14.41 We provisionally propose that the General Register Office should be responsible for monitoring independent officiants and de-authorising those who fail to comply with the fit and proper person standard or their duties and responsibilities, including conducting investigations necessary to exercise its powers.

Do consultees agree?

ANS: 14.41: Yes. See answer to question 38

Paragraph 5.214

Consultation Question 40.

14.42 We provisionally propose that there should be no time limit on the authorisation of officiants.

Do consultees agree?

ANS: 14.42 Yes subject to the on-going training and monitoring of officiants

Paragraph 5.215

Consultation Question 41.

14.43 We provisionally propose that an independent officiant's authorisation would lapse if they failed to comply with the obligation to engage in continuing professional development.

Do consultees agree?

ANS: 14.43 Yes

Paragraph 5.216

Consultation Question 42.

14.44 We provisionally propose that:

- (1) during every wedding ceremony, the parties:
 - (a) should be required to express their consent to be married to each other, whether orally or otherwise, but
 - (b) should not be required to express that there is no impediment to their marrying each other (with the issue of impediments being addressed during the preliminaries);
- (2) religious organisations and (if enabled by Government to officiate at weddings) non-religious belief organisations should be able to submit details of their wedding ceremonies to the General Register Office, to identify the way(s) each party expresses consent in accordance with their beliefs;
- (3) the schedule (or marriage document) should contain a declaration to be signed by each party that they had during the ceremony expressed consent to be married to the other, or they were now consenting to be legally married to the other, the signing of which would itself be an expression of consent if the ceremony did not contain an expression of consent; and
- (4) the marriage should be formed at the point when both parties have expressed consent to be married to each other, whether during the ceremony or when signing the declaration in the schedule (or marriage document).

Do consultees agree?

ANS: 14.44 .1 (a) There should be clear Guidance on how to ascertain that both parties to the marriage/wedding are giving informed consent. This means that both parties to the marriage/wedding understand conjugal intimacy, and what it means to be married. Ideally, informed consent should be ascertained in the preliminaries. All officiants should have the training.

14.44. 1 (b) Questions of consent and any impediment should be clarified at the preliminary. Families spend fortunes on weddings. Clarity about capacity and

consent can save families loss of face and wasted money on a wedding that might have to be called off at the last minute.

Paragraph 6.68

Consultation Question 43.

14.45 We provisionally propose that all weddings should take place according to the form and ceremony chosen by the parties and agreed to by the officiant.

Do consultees agree?

ANS: 14.45 Yes, so long as at the preliminary stage the issues of capacity and informed consent of both parties are determined by the interviewer; and provided that the officiant has ascertained nothing in the form of the ceremony is contrary to Human Right's legislation and the Equalities Act 2010. **Paragraph 6.69**

Consultation Question 44.

14.46 We provisionally propose that there should be no special rules about the form of Anglican, Jewish or Quaker weddings, and that there should be no legal limitations on who can have those types of wedding (but like all religious groups, Anglican Jewish and Quaker groups will continue to be able to impose their own requirements as a matter of their own practice).

Do consultees agree?

ANS: 14.46 No. Organisations must not impose their own requirements 'as a matter of their own practice', unless the officiant and/or registrar has ascertained that nothing in the words or the practice or the schedule is contrary to the Human Rights' Act and The Equalities Act. The two parties must have an equal right to divorce; to the custody of the children regardless of gender; the woman's right to maintenance must not be dismissed if she seeks a divorce, as is the case with some religious practices.

Paragraph 6.70

Consultation Question 45.

14.47 We provisionally propose that religious content should be permitted in civil wedding ceremonies, provided that the ceremony remains identifiable as a civil ceremony rather than a religious service.

Do consultees agree?

ANS 14.47: This is a complex question. especially where applied to weddings in Muslim and Jewish families. We believe at the heart of a marriage are two important issues of capacity of the two parties to the wedding, and the giving of informed consent by both parties. In Islamic law, a marriage is a civil contract between two consenting parties. And all that is required are two witnesses of sound mind, and the parties can draw up a marriage contract. There is NO requirement for an imam. There is no concept of a clergy in the Qur'an. There is no requirement even for a nikah namah – the document of a marriage contract. Many Muslim families do not have an imam as an officiant. Nevertheless, such a marriage is recognised as a Muslim marriage – but a civil contract. As long as issues of capacity of the two parties to the marriage is established, and the right to informed consent determined, in accordance with the laws of England and Wales, we see no reason why a religious and civil ceremony cannot be merged – or one follow the other.

14.48 We invite consultees' views as to whether specific examples of religious content should be expressly allowed at civil weddings, and, if so, what those examples should be.

ANS: 14.48 Two consenting parties to a marriage can celebrate their wedding in any manner they see fit, provided there is evidence in writing of an in-person interview of both parties by an independent authority; and there is documentary proof that safeguarding procedures have been complied with; and there is free informed consent, with no evidence of duress, and no doubts about capacity.

Paragraph 6.109

Consultation Question 46.

14.49 We provisionally propose that the provision to permit a religious service to be conducted after a civil wedding ceremony (section 46 of the Marriage Act 1949) should be repealed.

Do consultees agree?

ANS: 14.49 Yes

Paragraph 6.114

Consultation Question 47.

14.50 We provisionally propose that the existing requirements for a wedding to take place with open doors, or otherwise for public access to be allowed, should be repealed.

Do consultees agree?

ANS: 14.50 NO. The whole point of a wedding or a marriage is to announce to the world that two individuals have agreed to become man and wife. **Paragraph 6.136**

Consultation Question 48.

14.51 We provisionally propose that all weddings should be legally permitted to take place anywhere.

Do consultees agree?

ANS: 14.51 No.

14.52 We invite consultees' views as to whether the law should limit weddings in any particular venues, including:

- (1) outdoors,
- (2) on inland waters such as lakes or rivers,
- (3) in the air,

ANS: 14.52 We are concerned that if a wedding takes place, for instance on a lake, a river or at sea, the opportunity for one party to withhold consent could prove impossible, especially if it is a forced marriage.

Paragraph 7.158

Consultation Question 49.

14.53 We provisionally propose that civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages.

Do consultees agree?

ANS: 14.53 Yes **Paragraph 7.160**

Consultation Question 50.

14.54 We invite consultees' views as to whether the law should prohibit:

- (1) civil weddings from taking place in religious venues and (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief venues?
- (2) (if non-religious belief organisations are enabled by Government to officiate at weddings) religious weddings from taking place in non-religious belief venues?
- (3) (if non-religious belief organisations are enabled by Government to officiate at weddings) non-religious belief weddings from taking place in religious venues?

ANS: 14.54. (1) We don't see why a civil wedding should not take place at a religious venue.

- (3) We don't see why a religious wedding cannot take place in a non-religious belief venues. Same should apply to non-religious belief organisations.

Paragraph 7.161

Consultation Question 51.

14.55 We provisionally propose that it should be the responsibility of the officiant to decide whether the location for the wedding should be approved.

Do consultees agree?

ANS 14.55 Yes if the officiant is independent and from the list of officiants and has been trained. If the officiant is from the community of the two parties to the marriage,

there is a high likelihood that a forced marriage, and a marriage where one or both partners have inadequate capacity to consent or not given free and fair consent

Paragraph 7.190

Consultation Question 52.

14.56 We provisionally propose that, as a part of their responsibilities, officiants should ensure that the wedding location is:

- (1) safe, and
- (2) dignified.

Do consultees agree?

Yes

14.57 We provisionally propose that guidance should be produced by the General Register Office to provide advice to officiants on how to assess whether a location is safe and dignified for a wedding.

Do consultees agree?

ANS: 14.57 Clear and transparent Guidance should be provided by the General Register Office on how to assess the suitability of a proposed venue.

Paragraph 7.191

Consultation Question 53.

14.58 We invite consultees' views as to whether there should be an optional preapproval process available for locations that frequently host weddings, that operates alongside the general rule that the officiant must agree to the location.

ANS: 14.58: Yes

14.59 If consultees agree that there should be such a pre-approval process: (1) who should be responsible for it, and (2) how should it work?

ANS: 14.59 Pre-approval process is always a good idea; the parties to the marriage or the wedding should be ultimately responsible for where they get married. There are likely to be many wedding venues in a district which the local Registrar or one of his/her officials could visit and check.

Paragraph 7.199

Consultation Question 54.

14.60 We provisionally propose that after a wedding ceremony, the schedule or (if Anglican preliminaries are retained) marriage document should be able to have added to it:

- (1) the date of the wedding;
- (2) the location of the wedding; and
- (3) the names and occupations of the parties' parents, each of whom the parties should be able to identify as "mother", "father", or "parent".

Do consultees agree?

ANS: 14.60 Yes, to all the above, as long as "mother", "father", "parent" or elder of the family and community is in no way involved in the process of determining consent and capacity.

Paragraph 8.29

Consultation Question 55.

14.61 We provisionally propose that couples should have the choice of registering their marriage in English only, in Welsh only, or in both English and Welsh.

Do consultees agree?

ANS: 14.61 We think that both parties to the marriage (wedding ceremony) should be asked if they understand the document they will sign; and if they require an interpreter. Yes, we agree that all wedding documents should be in English or Welsh, but if a party to a wedding does not speak English or Welsh s/he must have a copy of the document translated into his or her language. If a person has not understood the schedule this would mean that s/he has not given informed consent; that s/he did not have the required capacity to consent: marriage should be open to an interpretation as a void marriage.

Paragraph 8.30

Consultation Question 56.

14.62 We provisionally propose that an option for electronic registration should be introduced at a later date when infrastructure is in place to provide a high level of security.

Do consultees agree?

ANS: 14.62 Yes subject to all the preliminary steps and the wedding having been correctly carried out.

Paragraph 8.31

Consultation Question 57.

14.63 We provisionally propose that any one of the following factors on its own should render a marriage void:

- (1) the failure of both or either party to give notice of the intended marriage to the registration service, or (if Anglican preliminaries are retained) the relevant Church authority;
- (2) the wedding taking place after authority to marry had lapsed;
- (3) the knowledge of both parties that the ceremony was not officiated by an authorised officiant; or
- (4) the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority, in the case of same-sex marriages.

Do consultees agree?

ANS: 14.63 Yes.

14.64 We provisionally propose that the following factors should not render a marriage void:

- (1) mistakes in the issuance of the schedule or (if Anglican preliminaries are retained) marriage document;
- (2) the absence of witnesses;
- (3) a failure to sign the schedule or (if Anglican preliminaries are retained) marriage document, or to register the marriage.

Do consultees agree?

ANS: 14.64 (1) As long as the mistake does not include matters such as the falsifying the age of one of the parties to the wedding.

14.64 (2) The absence of at least 2 witnesses should render a marriage void.
14.64 (3) How do we establish that the issuance of the schedule was a mistake or deliberate? The absence of a marriage contract can work to the detriment of women in religious marriages. If a marriage is not rendered void the woman in question will lose her right to financial provision in England and Wales.

Paragraph 10.128

Consultation Question 58.

14.65 We provisionally propose that the following factors should result in a non-qualifying ceremony:

- (1) both:
 - (a) failure of one or both parties to the marriage to give notice of the intended marriage, and
 - (b) either:
 - (i) the knowledge of both parties that the ceremony was not officiated by an authorised officiant, or
 - (ii) in the case of same-sex marriages the knowledge of both parties that the necessary opt into same-sex marriage had not been given by the relevant religious governing authority; or (2) failure of one or both parties to express consent to the marriage.¹

Do consultees agree?

ANS: 14.65 (a) In many marriages, a family member gives notice. Girls and women are often not asked to give consent; and in some cases young men are not asked either.

14.65. (b) (i) Young men and women are often not consulted on the officiant; they should not be penalised for this.

Paragraph 10.130

¹ Noting that if the consent was not valid due to duress, mistake or incapacity, the marriage would be voidable: Matrimonial Causes Act 1973, s 12.

Consultation Question 59.

14.66 We provisionally propose that a presumption in favour of the validity of a marriage should arise where:

- (1) the couple have signed the schedule or (if Anglican preliminaries are retained) marriage document, or
- (2) the couple have given notice and gone through a ceremony with a person acting as officiant,

but should not require the couple to have cohabited for any period after its celebration.

Do consultees agree?

ANS: 14.66 Yes. But the Law Commission should know that a Muslim marriage is not recognised as valid until after it has been consummated (walima). It is important that the Law Commission discusses this matter with the Muslims it is consulting.

14.67 We provisionally propose that the presumption that a couple is married if they have cohabited for a long period of time and are believed to be married by friends and family should be abolished.

Do consultees agree?

ANS: 14.67 Yes. It is good to remove the misunderstanding that some rights accrue in a common law marriage – particularly for a woman.

Paragraph 10.131

Consultation Question 60.

14.68 We provisionally propose that the three-year time limit on petitioning for nullity on the basis of lack of consent should be abolished.

Do consultees agree?

ANS: 14.68 Yes. We hope that the basis of lack of consent should be the immediate grant of a decree of nullity.

Paragraph 10.143

Consultation Question 61.

14.69 We provisionally propose that it should be an offence:

- (1) for any person to purport to be an officiant and deliberately or recklessly mislead either of the couple about their status or the effect of the ceremony; or
- (2) for an officiant deliberately or recklessly to mislead either of the couple about the effect of the ceremony.

Do consultees agree?

ANS: 14.69 Yes. We strongly agree, and would like to add that the names of officiants should be publicly listed. The training of officiants should be mandatory with clear guidance and Standard Operating Procedures (SOP); and the training requirements should be in a publicly shared document. Furthermore, officiants must have on-going training, revisited every year. The training should be provided and candidates assessed by the Registrar General and an independent authority, and NOT the organisations to which the officiants belong.

Paragraph 10.170

Consultation Question 62.

14.70 We invite consultees' views as to whether there are any problems with the law governing weddings of persons who have a terminal illness, are detained in a prison or hospital, or are housebound.

ANS: 14.70

Paragraph 11.17

Consultation Question 63.

14.71 We provisionally propose that parties who have a terminal illness should be required to give notice of their intention to marry and be interviewed by a registration officer prior to the schedule being issued.

Do consultees agree?

ANS: 14.71 All parties intending to give notice should be required to give notice of their intention to marry and be interviewed by a registration officer. Nevertheless, in the case of a person with a terminal illness, perhaps, that requirement can be transferred to the senior doctor in-charge and a hospital chaplain or community relations or social care professional. The person must not be a member of the family, a close associate or from the community. Of course, these matters should be mentioned in the safeguarding training of health and social care professionals.

Paragraph 11.26

Consultation Question 64.

14.72 We provisionally propose that the Registrar General's licence should be abolished, and that there should be a single form of civil authority to marry – a schedule – issued by registration officers.

Do consultees agree?

ANS: 14.72 A single form of civil authority to marry is a good idea, as is a schedule issued by registration officers.

Paragraph 11.35

Consultation Question 65.

14.73 We provisionally propose that schedules issued to couples where one or both parties has a terminal illness should be valid for 12 months.

Do consultees agree?

ANS: 14.73 Yes.

Paragraph 11.37

Consultation Question 66.

14.74 We provisionally propose that schedules issued to couples where one or both parties are detained in prison or hospital or are housebound should be valid for 12 months.

Do consultees agree?

ANS: 14.74 Yes.

Paragraph 11.44

Consultation Question 67.

14.75 We provisionally propose that weddings legislation should contain a power for secondary legislation to make emergency provisions that would permit:

- (1) the validity of schedules and other forms of authority to marry to be extended until after a national emergency;
- (2) both stages of civil preliminaries to take place entirely remotely;
- (3) the officiant, the couple, and the witnesses to each attend the wedding ceremony remotely; and
- (4) the schedule to be signed by each of the officiant, the couple, and the witnesses remotely, or for each to sign a different copy of the schedule.

Do consultees agree?

ANS: 14.75 NO. There should be a way of conducting the crucial in-person interviews, supervised – online.

14.76 We provisionally propose that the emergency provisions should be able to apply to all couples, depending on the nature and length of the emergency.

Do consultees agree?

ANS: 14.76 No. See 14.75.

14.77 We provisionally propose that the emergency provisions should facilitate weddings of those who might be at risk of death, rather than requiring evidence that the person is seriously ill and is unlikely to recover.

Do consultees agree?

ANS: 14.77 YES.

Paragraph 11.82

Consultation Question 68.

14.78 We provisionally propose that weddings should be able to take place in the territorial sea, and in bays and other coastal waters, adjacent to England and Wales.

Do consultees agree?

ANS: 14.78 No marriage should take place without the necessary checks for capacity and consent, risk assessment and safeguarding protocols.

Paragraph 11.145

Consultation Question 69.

14.79 We provisionally propose that weddings should be able to take place in international waters under the law of England and Wales, on board cruise ships registered in the United Kingdom with a port of choice in England or Wales.

Do consultees agree?

ANS: 14.79 **No**. The same as 68.

Paragraph 11.146

Consultation Question 70.

14.80 We invite consultees' views as to whether weddings should be able to take place in international waters under the law of England and Wales, on board vessels other than cruise ships, and if so, which types of vessel.

ANS: 14. **NO**

Paragraph 11.147

Consultation Question 71.

14.81 We provisionally propose that couples should be required to give the name and registration number of the ship on which they intend to marry in international waters, when giving notice of their intention to marry, but should not be required to give the name of the officiant.

Do consultees agree?

ANS: 14.81 **NO**

Paragraph 11.148

Consultation Question 72.

14.82 We provisionally propose that weddings on ships in international waters should be officiated by:

- (1) deck officers who have been authorised by the Registrar General as maritime officiants; and
- (2) (if independent officiants are enabled by Government to officiate at weddings) other members of the ship's crew who have been authorised as independent officiants.

Do consultees agree?

ANS: 14.82 They should become officiants with similar checks and training as other officiants.

We provisionally propose that maritime officiants should be subject to the same rules as we have provisionally proposed should apply to independent officiants.

Do consultees agree?

ANS: 14.82 [Yes so long as they are treated in the same way as other officiants.](#)

14.83 We provisionally propose that weddings on ships in international waters should be void if they are not officiated by a maritime officiant or a member of crew who is an independent officiant.

Do consultees agree?

ANS: 14.83 [Yes.](#)

Paragraph 11.149

Consultation Question 73.

14.85 We invite consultees' views about whether there is any demand for religious or non-religious belief weddings in international waters.

ANS: 14.85

Paragraph 11.152

Consultation Question 74.

14.86 We provisionally propose that any fixed time limit for couples to return the schedule after their wedding should not apply to weddings in international waters, but instead couples should be required to return the schedule as soon as is reasonably possible.

Do consultees agree?

ANS: 14.86 Yes. The Registrar should consider in each case whether the delay is reasonable.

Paragraph 11.153

Consultation Question 75.

14.87 We provisionally propose that there should be an additional, standard fee charged in cases where the registration officer must travel to one of the persons giving notice because that person is housebound or detained. The fee should be set nationally on a cost-recovery basis.

Do consultees agree?

ANS: 14.87 Yes.

Paragraph 12.22

Consultation Question 76.

14.88 We invite consultees' views as to whether the fee for both parties to give notice of a wedding involving a person who is terminally ill should be:

- (1) the same fee as other cases in which the registration officer must travel to the person giving notice, set nationally on a cost-recovery basis; or
- (2) a separate fee from other forms of giving notice, set nationally on compassionate grounds at below cost level.

ANS: 14.88 Each case should be considered individually and with compassion.

Paragraph 12.23

Consultation Question 77.

14.89 We provisionally propose that it should continue to be possible for couples to have a civil wedding in a register office, for a fee prescribed by regulation.

Do consultees agree?

ANS: 14.89 YES.

Paragraph 12.37

Consultation Question 78.

14.90 We provisionally propose that if any fee is charged for registration officers to ensure that a location is safe and dignified, that fee should be set by the local authority on a cost-recovery basis.

Do consultees agree?

ANS: 14.90 YES.

Paragraph 12.43

Consultation Question 79.

14.91 We provisionally propose that if there is an optional pre-approval process for wedding locations that regularly host weddings, any fee for pre-approval should be set by the local authority or Government body responsible for it, on a cost-recovery basis.

Do consultees agree?

ANS: 14.91 YES.

Paragraph 12.46

Consultation Question 80.

14.92 We provisionally propose that there should be an additional fee for a registration officer to officiate at a civil wedding outside the register office, which should be a standardised hourly rate to reflect the cost of the registration officer's time in travelling to and from the wedding, prescribed by regulations to apply across England and Wales.

Do consultees agree?

ANS: 14.92 YES.

Paragraph 12.55

Consultation Question 81.

14.93 We provisionally propose that the principle that fees for discretionary services should be determined on a cost-recovery basis should continue to apply to additional services that local authorities provide, including for services registration officers provide beyond officiating at a civil ceremony.

Do consultees agree?

ANS: 14.93 YES.

Paragraph 12.56

Consultation Question 82.

14.94 We provisionally propose that the fees for a registration officer to officiate at a wedding at the place where a person is housebound or detained should be the same fees as prescribed for the registration officer to officiate at any other wedding outside the register office.

Do consultees agree?

ANS: 14.94 YES.

Paragraph 12.61

Consultation Question 83.

14.95 We invite consultees' views as to whether, for a registration officer to officiate at a wedding involving a party who is terminally ill

- (1) the fee should be set by regulation at a level below cost-recovery; or
- (2) there should be no fee.

ANS: 14.95 Each case should be looked at individually and with compassion.

Paragraph 12.62

Consultation Question 84.

14.96 We provisionally propose that the Registrar General should be able to prescribe a fee for an application to authorise an officiant, set at a level to recover any costs incurred in assessing the application.

Do consultees agree?

ANS: 14.96 Yes. There should be a mandatory unified fee.

Paragraph 12.69

Consultation Question 85.

14.97 We invite consultees' views on:

- (1) whether the current law discourages or prevents couples from getting married; and
- (2) whether our provisional proposals would facilitate couples getting married leading to an increase in the number of couples who are legally married.

Please provide us with any evidence you have of the scale of the impact of the law or any benefits.

ANS: 14.97 (1) We do not think that the current law discourages or prevents couples from getting married. Nevertheless, the widening of the types of wedding venues, and easing of rules for officiants and religious marriages may well result in more unlawful marriages. We know of many religious weddings (among Muslim, Hindu and Sikh and Orthodox Jewish, Plymouth Brethren, Christian; Travellers and Roma communities) where the proper consent (particularly) of the woman has not been obtained.

14.97 (2) We think that the Law Commission's proposals will make it easier for members of faith and non-faith communities to blur the requirements and proof of both capacity and consent – and thus make it easier for families to force their offspring into marriage and arrange the marriage of members without sufficient capacity to be lawfully married, and to give informed consent.

Paragraph 13.17

Consultation Question 86.

14.98 We invite consultees' views on the impact of the current law on couples including in relation to:

- (1) the availability and costs of register office weddings;
- (2) the costs of marrying on approved premises;
- (3) the costs of marrying in registered places of worship;
- (4) the costs of marrying in locations that are not authorised for weddings under the current law; and
- (5) the necessity and costs of a having a separate, legally recognised wedding.

ANS: 14.98 [N/A](#)

14.99 We invite consultees' views on the potential benefits to couples of our proposed scheme, including benefits relating to:

- (1) the availability of register office weddings and any savings in relation to them;
- (2) savings from being able to marry in locations without the need for a preapproval process, including places of worship, locations that could currently be approved premises, and locations that could not be approved under the current law, such as outdoors or in private homes; and
- (3) the necessity of a separate, legally recognised wedding and any consequent savings.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

ANS: 14.99 [N/A](#)

Paragraph 13.42

Consultation Question 87.

14.100 We invite consultees' views on the impact of the current law on venues, including in relation to:

- (1) the costs resulting from the Marriages and Civil Partnerships (Approved Premises) Regulations 2005,² including the costs of complying with them and any lost opportunities arising from being unable to fulfil the requirements; and
- (2) the availability of registration officers to attend weddings on approved premises and the costs of their attendance.

ANS: 14.100 N/A

14.101 We invite consultees' views on the potential benefits to venues of our proposed scheme, including benefits relating to:

- (1) hosting weddings without requiring Government pre-approval;
- (2) the availability of registration officers for civil weddings;
- (3) the ability of venues to host weddings officiated by religious officiants, and (if enabled by Government to officiate at weddings) non-religious belief organisations and independent officiants; and
- (4) the business opportunities arising from an increase in the number of weddings in England and Wales.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it. We would also welcome any data on the size of businesses that are affected by the law or will be impacted under our proposed reforms.

ANS: 14.101

Paragraph 13.61

² SI 2005 No 3168.

Consultation Question 88.

14.102 We invite consultees' views on the impact of the current law on local authorities.

ANS: 14.102:.

14.103 We invite consultees' views on the potential benefits to local authorities of our proposed scheme.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

ANS: 14.103 **Paragraph 13.66**

Consultation Question 89.

14.104 We invite consultees' views on the impact of the current law on:

- (1) residents of England and Wales travelling to other jurisdictions to get married; and
- (2) residents of overseas jurisdictions travelling to England and Wales to get married.

ANS: 14.104

14.105 We invite consultees' views on the potential benefits of our proposed scheme relating to:

- (1) residents of England and Wales travelling to other jurisdictions to get married;
- (2) residents of overseas jurisdictions travelling to England and Wales to get married.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

ANS.14.104(1) It is crucial that such residents go through a marriage ceremony recognised in English law.

Ans. 104.(2): We are concerned about the legal position and consequently, of women from overseas going through a ceremony of marriage which is not registered according to English law. They will not be entitled to a spousal visa, nor access to financial or other support.

ANS: 14.105 (1) This will remove the vigilance of local agencies and make it easier for parents to force their offspring into marriage or arrange the marriage of a party without the capacity to enter into a marriage. There is a catalogue of cases where residents of England and Wales have been taken abroad and married off – without an opportunity to give informed consent.

14.105 (2) With every organisation choosing their own officiants, without the oversight of registrars, it will be much easier for residents of overseas jurisdiction to come to England and Wales to get married. We don't see this bringing any benefits for those at risk of forced marriage. Many forced marriages are transnational; and many such marriages have disastrous consequences.

Paragraph 13.82

Consultation Question 90.

14.106 We invite consultees' views on the impact of the current law on the United Kingdom ship register and the maritime industry.

ANS: 14.106

14.107 We invite consultees' views on the potential benefits to the United Kingdom ship register and the maritime industry of our proposed scheme.

If you have any evidence to support your answers, or which might help us assess the extent of possible benefits, please provide it.

ANS: 14.10**Paragraph 13.94**

Consultation Question 91.

14.108 We invite consultees to tell us their views on the potential costs of our provisional proposals, including costs to:

- (1) Government and local authorities;
- (2) businesses;
- (3) religious (and non-religious belief) organisations;
- (4) independent officiants; and / or (5) couples.

ANS: 14.108. (1) If officiants are to receive authorised and appropriate training, and their work to be monitored, this will have an implication of costs, for the Registrar General and the local Registrar. Nevertheless, Government and the Registrar General and possibly the local Registrar can charge a percentage for cost of administration for regulating and monitoring officiants. Perhaps, they may charge a fee for the training and registration of officiants. This will also prevent too many persons applying to register as officiants.

14.108 (2) The comparative ease with which individuals will be able to set themselves up as officiants may create a business environment for competing officiants.

14.108 (3): Religious and non-religious belief organisations may gain more power over their 'flock' and start charging exorbitant fees for their services.

14.108 (4) There is the danger that anyone can apply to become an independent officiant. The lack of adequate training and the failure to understand issues of safeguarding can have long-term serious adverse consequences.

Paragraph 13.111

PLEASE SEE ADDENDUM ATTACHED BELOW:

ADDENDUM TO LC CONSULTATION ON MARRIAGE LAW
THE NATIONAL COMMISSION OF FORCED MARRIAGE UK

Addendum to the Law Commission Consultation on Weddings Laws:

As I, together with other National Commission on Forced Marriage (NCFM) members, have answered the Law Commission consultation questionnaire on weddings laws, certain crucial issues have emerged. I hope you will forgive me for this addendum to our response.

There is a disturbing number of forced marriages in all parts of the UK, although very few prosecutions. The concerns of the NCFM are based on extensive evidence gained across the UK.

The concentration of the questions on the practicalities of the run-up to and the holding of the wedding ceremony has the danger of underestimating the potential risk of forced marriage, particularly a wedding in which one or both parties do not give informed consent to the marriage, or where one or both of them do not have sufficient mental capacity to enter into matrimony.

Preliminaries to marriage:

In the preliminaries to the lead up to the wedding ceremony, each party to the proposed marriage must be seen separately by an independent official of the Registry, who can and does question each party to ascertain that s/he really wishes to marry the other party, and ensures his/her understanding of the state of marriage.

At this stage, I foresee some real difficulties, within the more socially conservative families, that the female party may not be allowed to see a male official alone and may, therefore, be unable to express her objection to the marriage. Not to see each party alone should raise alarm bells. Another area of concern is the possible forced marriage of an LGBT member of a family which does not recognise same-sex relationships.

If either party, particularly the female, who in some cases will be under 18, is allowed to see the official alone and tells the official that s/he does not want to marry the other party; there is a serious objection to telling the family because he and, especially she, may be at risk of real physical harm in leaving the venue with the family. Adult children are murdered in the

(2/3)

UK by their family for breaching the so-called honour of that family. What arrangements will the official make, and what training will be given to officials to deal with such situations?

The officials who carry out this most important task, of seeing the parties before their marriage, must be experienced and have appropriate training and knowledge of whom to contact and how to get help if such a safeguarding risk should arise.

Officiants:

It was not clear to me from the questionnaire whether a Registrar might marry the parties or whether it would always be an officiant. The appointment, vetting of applicants, training, monitoring and continuing training, raise important considerations.

Appointments:

I propose and urge most strongly that the officiant selected by the Registrar should not, if possible, be from the same religious or other organisation to which the parties to the marriage belong. All officiants should be independent and appointed to a list held locally by the Registrar. There should also be a central list held by the Registrar General. Individuals should apply to be placed on the list. Religious and other organisations can put forward names for inclusion so long as the successful applicants are prepared to take part in other wedding ceremonies, not only of their own religious or non-religious belief. In cases where the parties ask for an officiant of choice, such as their vicar or a relative, the Registrar has an obligation to check on the suitability and independence of the officiant chosen. In order for there to be transparency and equality, all officiants, including, for instance, clergy and imams must be on the list.

To allow the community to choose the officiant may make it impossible to be satisfied that the person chosen will be genuinely independent and will be able to deal with the situation where the marriage ought not to take place, either because of lack of consent or lack of capacity. It is possible that the official seeing the parties at the preliminary stage did not pick up the obstacle to the marriage or that it is at the last moment that it becomes clear that one party is very reluctant to marry the other. An officiant of the same religion may not feel he/she should not or could not stop the marriage at that late stage.

(3/3)

Training:

The officiants on the list must have the appropriate training to include being able to deal with the situation where the marriage should not take place. He/she must have the necessary knowledge how to act; how to assess whether one party has the necessary capacity; how to deal with the danger to the party who discloses he/she does not want to marry the other

party, from her or his family. I repeat what I set out above. Adults and children are murdered in the UK by their family for breaching the so-called honour of that family. The officiant must know whom to contact and what arrangements should be made. Some of the venues suggested such as a beach, a ship or in the air, would make such a situation very, very difficult to manage. A wedding in the home of one of the parties might well also raise similar problems.

I urge the Law Commission to reflect carefully upon the concerns, which, on behalf of the NCFM, I raise above.

Elizabeth Butler-Sloss

Elizabeth Butler-Sloss

The Rt Hon the Baroness Butler-Sloss GBE

[REDACTED]