

AT A GLANCE — CELEBRATING MARRIAGE: A NEW WEDDINGS LAW

The Law Commission of England and Wales has published recommendations to reform the law of weddings.

The report covers all of the formalities which a couple is required to go through in order to have a legally recognised marriage: the preliminaries (also known as giving notice); rules about the ceremony itself including where it can take place, who must attend and what must be said; and the registration of the marriage.

Background

Weddings in England and Wales are currently governed by the Marriage Act 1949. A complex maze of rules governs different types of ceremonies, dependent on the particular type of building in which the wedding takes place.

The central elements of the law date from the 18th and 19th centuries. Outdated rules and regulations have become stuck in time, failing to adapt to how people now want to celebrate their weddings.

The result is that the law does not work for many couples. It is unnecessarily restrictive, limiting how couples are permitted to celebrate their weddings, for historical rather than current policy reasons. Rather than supporting those who want to get married, the law puts unnecessary barriers in the way.

In our September 2020 Consultation Paper, we made provisional proposals for a new scheme to govern weddings law. We consulted publicly for four months on our proposals, and received more than 1,600 consultation responses. Having carefully considered what we have heard, we now make our final recommendations for reform in our Report.

Our recommendations for reform

Our recommendations provide a new weddings law that gives couples greater choice within a simple legal framework to support and celebrate marriage.



We recommend comprehensive reform from the foundations up: an entirely new scheme to govern weddings law. Our recommendations will transform the law from a system based on regulation of buildings to one based on regulation of the officiant responsible for the ceremony.

This change will remove the many unnecessary restrictions in the current law. It will also help to address unfairness in the treatment of different groups, who with very few exceptions are treated equally under our recommended scheme.

While offering greater freedoms to couples, the reforms are also designed to preserve the dignity of weddings, to retain important safeguards and to protect the longstanding practices and rules of religious groups.

These changes are not without precedent. They would bring England and Wales in line with laws in other places including those nearby in Scotland, Northern Ireland, Ireland, Jersey, and Guernsey, and further afield such as New Zealand, Canada and Australia.



KEY BENEFITS

Under our recommendations, all couples, as well as all religious groups and (if enabled by Government to conduct weddings) non-religious belief groups, will have the freedom to decide where and how their weddings will take place.

The key benefits of our recommendations

Convenience

- Couples will be able to give notice of their intended wedding online, and to choose the registration district where they are then interviewed by a registration officer. Anglican preliminaries (for example, banns) will be retained for Anglican weddings.

Publicity

- Notice of upcoming weddings will be published online so that the information is accessible to the wider community.

Respecting beliefs

- Couples will be able to have a wedding ceremony that reflects their values and beliefs, by:
 - having a religious ceremony in a venue other than a place of worship and without having to incorporate prescribed words into the ceremony;
 - having a religious ceremony led by an interfaith minister that contains aspects of each of the couple's beliefs;
 - having some religious elements, such as hymns and prayers, incorporated into their civil ceremony, as long as the ceremony remains identifiably civil.
- If permitted by Government to conduct weddings, non-religious belief organisations (such as Humanists) would be able to do so on the same basis as religious organisations.

Choice

- Couples will be able to get married in a much wider variety of locations, including:
 - outside, in a place unconnected with any building, such as in a forest, on a beach, or in a local park;
 - in affordable local venues, such as community centres and village halls, as well as in their own homes;
 - in international waters on cruise ships that are registered in the UK.

New options

- If permitted by Government to conduct weddings, independent officiants (that is, officiants who are not registration officers and are not affiliated to a religious or non-religious belief organisation) will be able to conduct civil weddings.

Certainty

- There will be much greater clarity as to the consequences that follow when a couple has not complied with the required formalities, and fewer weddings conducted according to religious rites will result in a wedding that the law does not recognise at all.

