

Title: Celebrating Marriage: A New Weddings Law IA No: LAWCOM0079 RPC Reference No: Lead department or agency: Law Commission Other departments or agencies: Ministry of Justice	Impact Assessment (IA)
	Date: 19/07/2022
	Stage: Development/Options
	Source of intervention: Domestic
	Type of measure: Primary legislation
	Contact for enquiries: Elizabeth.Welch@lawcommission.gov.uk
	Summary: Intervention and Options
	RPC Opinion: RPC Opinion Status

Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£535.03m	£m	£m	Qualifying provision

What is the problem under consideration? Why is government action or intervention necessary?
 In 2019 just under 220,000 marriages occurred in England and Wales. The main law governing marriage dates from 1836 and has failed to keep pace with modern life. Couples have to make a choice between a religious or a civil ceremony, with no option for a ceremony reflecting other beliefs. In 2020 the High Court determined that weddings law treats Humanist couples differently to those who hold religious beliefs; that difference in treatment was justified only because of the ongoing wider review of weddings law.¹ Most couples having a religious wedding must have their wedding in a place of worship and couples having a civil wedding must have their wedding in a licensed secular venue. If a couple does not comply with the legal requirements, which may happen with some religious ceremonies, their marriage may not be legally recognised. People often only discover their lack of legal status at the time of relationship breakdown. This means the parties have no legal status or protection and are not counted as legally married; this can lead to costs falling on Government when one party (usually the woman) and any children of the relationship are not financially supported by their former partner and require social security support. Government intervention is required through primary and secondary legislation used in conjunction with non-statutory reforms to facilitate a clear legal framework.

What are the policy objectives of the action or intervention and the intended effects?
 A reformed law of weddings that allows for greater choice within a simple, fair and consistent legal structure.

- Simplify and rationalise the requirements and remove unnecessary red tape to make it fair, easier to follow, and more efficient;
- Provide a framework that could allow non-religious belief organisations (such as Humanists) and/or independent celebrants to conduct legally binding weddings;
- Offer couples greater flexibility over the form their wedding ceremonies will take;
- Ensure that fewer weddings result in a marriage that the law does not recognise at all.

The intended effect is a comprehensive new legislative scheme that updates the law governing each aspect of the process of getting married to deliver modernised and improved wedding law.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
Option 0 – Do nothing.
Option 1 – Wide-ranging reform – Primary and secondary legislation used in conjunction with non-statutory reforms to facilitate a clear legal framework. Registration officers, Anglican clergy, officiants nominated by religious and non-religious belief organisations, independent officiants, and maritime officiants will be able to (or continue to be able to) conduct legally binding weddings.
 Option 1 is our preferred option, although it is a matter for Government as to whether it enables officiants nominated by non-religious belief organisations, such as Humanists, and independent celebrants to officiate at legally binding weddings.

Does implementation go beyond minimum EU requirements?		N/A		
Is this measure likely to impact on international trade and investment?		Yes		
Are any of these organisations in scope?	Micro Yes/No	Small Yes/No	Medium Yes/No	Large Yes/No

¹ *R (on the application of Harrison) v Secretary of State for Justice* [2020] EWHC 2096 (Admin), [2021] PTSR 322.

What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded:	Non-traded:
Will the policy be reviewed? It will/will not be reviewed. If applicable, set review date: Month/Year <i>I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.</i>		

Signed by the responsible SELECT SIGNATORY: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description: Wide-ranging reform – Primary and secondary legislation used in conjunction with non-statutory reforms to facilitate a clear legal framework. Registration officers, Anglican clergy, officiants nominated by religious and non-religious belief organisations, independent celebrants, and maritime officiants will be able to (or continue to be able to) conduct legally binding weddings.

FULL ECONOMIC ASSESSMENT

Price Base Year 2022	PV Base Year 2022	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)			
			Low: 114.34	High: 1136.87	Best Estimate: 535.03	
COSTS (£m)		Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low		1.351		0.34	4.17	
High		1.75		5.27	45.58	
Best Estimate		1.55		3.23	28.42	
Description and scale of key monetised costs by ‘main affected groups’						
Transitional ¹ : Familiarisation through reading etc. just over £89,290 [religious officiants not previously involved in legal weddings, independent officiants, non-religious belief organisation (NRBO) officiants]; Training, £0.7m - £1.05m excludes independent officiants; New IT system to enable public online access £0.59 million Ongoing: Couples – Registration Officer agreeing location £2.55m; Officiants and nominating bodies – Anglican churches face lost fees for calling the banns £0.68m.						
Other key non-monetised costs by ‘main affected groups’						
Ongoing: Couples – Religious officiants charge for weddings outside places of worship; Officiants and nominating bodies – Authorisation and training to include nominating bodies.						
BENEFITS (£m)		Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low		00		14.25	118.51	
High		0		142.18	1182.45	
Best Estimate		0		67.75	563.45	
Description and scale of key monetised benefits by ‘main affected groups’						
Transitional: none identified. Ongoing: Couples – Savings to overseas residents marrying in England & Wales £2.45m / Allowing in-person interviews in any registration district £24.6m / Reduced number of banns £0.68m / Reduced number of registration officers required at civil (religious) weddings £10.12m (£0.43m) / No need for additional legally recognised wedding ceremony £18.33m; Businesses – Reduced regulatory costs £11.14m.						
Other key non-monetised benefits by ‘main affected groups’						
Ongoing: Couples – Facilitating low cost register office weddings / Modernising the legal system / Greater ceremonial choice for all, including the terminally ill and housebound / Weddings will be permitted on military sites and in any type of location / Reduced likelihood of a non-qualifying ceremony / Greater encouragement of marriage; Officiants and nominating bodies – Belief officiants can conduct legally binding ceremonies according to their beliefs for members of their belief group / Officiants can still conduct non-legally binding ceremonies for couples who want them; Businesses – Reduced lost income due to unavailability of registration officers / More healthy competition; Economy – Increased overseas visitors from overseas couples marrying in England and Wales / Reduced England/Wales resident couples choosing to marry overseas / Increased number of weddings on cruise ships; New national emergency – Avoids distress / Financial cost of postponement / Reduction of infection risk						
Key assumptions/sensitivities/risks					Discount rate	3.5
See detailed assumptions throughout and in Appendix 2						

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

¹ All figures represent central estimates.

Evidence base

INTRODUCTION

This Impact Assessment relates to the recommendations in the Law Commission's Report, *Celebrating Marriage: A New Weddings Law*.³ Implementation of the recommendations would provide a reformed law of weddings that allows for greater choice within a simple, fair and consistent legal structure. The Law Commission recommends reform by means of primary and secondary legislation, used in conjunction with non-statutory reforms to facilitate a clear legal framework.

Option 0 would be to implement none of our recommendations. Option 1 involves the implementation of all recommendations, alongside enabling officiants nominated by non-religious belief organisations ("NRBOs"), such as Humanists, and independent celebrants to officiate at legally binding weddings.

It is for Government to decide whether as a matter of policy NRBOs, such as Humanists, and independent celebrants should be allowed to conduct legally binding ceremonies.

TERMINOLOGY

The nature of this reform means that it is sometimes unavoidable that technical terms be used. Many of these terms have precise legal meanings and are well understood by the weddings sector, the courts and the legal professions. To avoid loss of precision, some of these technical terms are used in this Impact Assessment and, in order to assist the reader, the key terminology is summarised in the Glossary at Appendix 1.

BACKGROUND

In December 2014, Government asked the Law Commission to conduct a scoping review of the law governing how and where people can marry in England and Wales. We published our Scoping Paper in December 2015, in which we concluded that there was a need for a wholesale review of the law in this area.⁴ Essentially we found the law to be unduly complex, uncertain, and inefficient; and it is also perceived to be unfair and overly restrictive. These problems can have a profound effect on couples. They make it more likely that mistakes will be made, impacting on the validity of a marriage, or that a couple will have a non-legally binding ceremony, because the law does not recognise the ceremony that has meaning to them. Some couples may travel to another jurisdiction which permits a wider range of weddings, or choose not to marry at all because they cannot have a wedding that is meaningful to them.

³ (2022) Law Com No 408 (hereafter, "the Report").

⁴ Law Commission, *Getting Married: A Scoping Paper* (17 December 2015) (hereafter, "Scoping Paper").

Marriages in England and Wales

As detailed by the Office for National Statistics (“ONS”), in 2019 (the latest year for statistics)⁵ there were 219,850 marriages in England and Wales. This number marks a decrease in of 6.4% compared to 2018.

Historical Background

The origins of the current law date from 1753. While the earlier canon law directed that weddings should be preceded by certain preliminaries and conducted in churches, these requirements were not essential to the validity of a marriage.

In 1753, the Clandestine Marriages Act, also called Lord Hardwicke’s Act, was passed. It made the earlier requirements of the canon law essential to the validity of the marriage: the wedding had to be conducted by an Anglican clergyman, within a parish church or public chapel, following the publication of banns or on the authority of a licence.⁶

The law made exceptions for weddings of members of the royal family, and for Jewish and Quaker weddings.⁷

The Marriage Act 1836 allowed members of other religious groups to marry in their own places of worship as long as the building had been registered for marriage. It also introduced the possibility of a civil wedding in the superintendent registrar’s office. New civil preliminaries were required for all non-Anglican weddings, including Jewish and Quaker ones. These civil preliminaries were also made available for Anglican weddings.

This fundamental structure of weddings law remains largely unchanged from 1836, with separate rules for Anglican weddings, Jewish weddings, Quaker weddings, all other religious weddings, and civil weddings.

The most significant reform since 1836 was the introduction of approved premises, in the Marriage Act 1994, giving couples the option of celebrating a civil wedding on a wider range of premises that have been approved for holding civil weddings. More recently, Government has amended the law to permit weddings on approved premises to take place outside on the grounds of the property.⁸ Government also intends to amend the law to make similar provision for weddings to take place on the grounds of registered places of worship and Anglican churches and chapels, when legislative time is available.⁹

⁵ ONS, *Marriages in England and Wales: 2019* (19 May 2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019#marriages-in-england-and-wales-data> (last visited 7 July 2022).

⁶ One of the types of licence, the Archbishop’s special licence, remains governed by the Ecclesiastical Licences Act 1533.

⁷ Clandestine Marriages Act 1753. For a more detailed history, see W Kennett, “The Place of Worship in Solemnization of a Marriage” (2015) 30 *Journal of Law and Religion* 260; and R Probert, *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* (2009).

⁸ Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2022 (SI 2022 No 295).

⁹ Ministry of Justice, *Outdoor Marriages and Civil Partnerships: Government response to the consultation on Outdoor Marriages and Civil Partnerships* (15 March 2022) p 32.

Terms of reference

The scope of our project is set by the Terms of Reference agreed between the Law Commission and Government.¹⁰ The project seeks to provide recommendations for a reformed law of weddings that allows for greater choice within a simple, fair and consistent legal structure.

The review is guided by five principles for reform:

- Certainty and simplicity
- Fairness and equality
- Protecting the state's interest
- Respecting individuals' wishes and beliefs
- Removing any unnecessary regulation, so as to increase the choice and lower the cost of wedding venues for couples.

As part of the project, the Law Commission is considering:

- The legal preliminaries that should be required prior to a wedding.
- Where weddings should be able to take place, considering for example, weddings outdoors, at sea, and on military sites, with a view to enabling weddings to take place in a wider range of venues.
- Who should be able to solemnize a marriage, including considering how a scheme could include weddings conducted by NRBOs and independent celebrants. The Law Commission will not, however, be making recommendations on whether as a matter of policy new groups should be allowed to conduct legally binding weddings.
- Whether specific vows should be required during a ceremony.
- How marriages should be registered.
- What the consequences should be for couples who do not comply with any or some of the requirements.

Consultation

The Consultation Paper was published on 3 September 2020, with the consultation period closing on 4 January 2021. We engaged with a wide variety of stakeholders during the consultation period and received more than 1,600 consultation responses.

Physical meetings were not feasible during the weddings law consultation period, from September 2020 to January 2021, due to restrictions imposed during the second wave of the Covid-19 pandemic.

¹⁰ The full Terms of Reference for the project are included in Appendix 1 of the Report.

Therefore, the consultation took place entirely online. We met with stakeholders, hosted roundtables, and spoke at stakeholder events, all remotely. We recorded videos in which we explained our provisional proposals and the reasons for them, each geared towards a different audience: the general public, Anglicans, other religious groups, NRBOs, the registration service, independent celebrants, and wedding venues. We posted these videos online, and then hosted live, online question and answer sessions for each.

We also extended the consultation period. Originally, it was set to close on 3 December 2020. In light of new restrictions imposed in early November, we extended the consultation period to 4 January 2021.

PROBLEMS UNDER CONSIDERATION

Number of couples getting married

Problems with the current law affect both those couples choosing to get married, and, indirectly, those who are deterred from doing so by those problems.

In 2019, ONS recorded 219,850 marriages in England and Wales. Of these, 6,728 were same-sex couples. In addition, 578 same-sex couples converted their civil partnership into a marriage.¹¹ Marriage rates for opposite-sex couples were the lowest on record since 1862.

Religious ceremonies made up the minority of marriages. Only 18.7% of opposite-sex marriages (the lowest on record) and 0.7% of same-sex marriages were religious ceremonies.¹²

These figures do not show the number of couples who might wish to marry but are deterred by the problems identified with the current system. Nor do they give any indication of the number of couples currently entering into religious-only marriages.

The figures for number of religious ceremonies may under-represent couples who wish to have a religious wedding but cannot have a legally recognised wedding in the form and location that they would wish. At present these couples instead have a civil wedding, whether on approved premises or in a register office, with a separate religious ceremony before or afterwards.

England and Wales as a wedding destination

England and Wales do not appear to be popular wedding destinations for foreign couples. In addition, several thousand couples from England and Wales marry elsewhere every year. We consider that the current law, in particular that relating to civil preliminaries and wedding location, plays a large part in this.

¹¹ ONS, *Marriages in England and Wales: 2019* (19 May 2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019#marriages-in-england-and-wales-data> (last visited 7 July 2022).

¹² Notably, not all religious organisations conduct marriages for same-sex couples.

Overseas couples having weddings in England and Wales

The most recent ONS figures show that of the estimated 7,000 overseas residents who married in the United Kingdom in 2019, only half married in England and Wales.¹³ This is smaller than might be expected given the relative size of England and Wales and its popularity with overseas visitors more generally: England and Wales attract more than 10 times more visitors than Scotland.¹⁴

Couples from England and Wales marrying elsewhere

ONS has reported that data suggests that, of the estimated 71,000 United Kingdom residents who went abroad to get married in 2019, “the vast majority (around 90%) of the marriages ... are to residents of England and Wales”.¹⁵ On this basis, we can estimate that at least 31,950 couples from England and Wales marry abroad every year.

Couples who are resident in England and Wales also travel to other parts of the United Kingdom to get married. For example, in 2019:

- (1) 4,944 weddings in Scotland involved couples who resided elsewhere in the United Kingdom, the Isle of Man or the Channel Islands. This represents 19% of all weddings in Scotland.¹⁶
- (2) 403 weddings in Northern Ireland involved couples resident in the rest of the United Kingdom, representing 6.8% of all weddings in Northern Ireland.¹⁷
- (3) 1,094 weddings in Ireland involved couples who planned to reside in England and Wales, representing 5.4% of all weddings in Ireland.¹⁸

Preliminaries

Civil preliminaries: residence and notice requirements

Under the current law, assuming both of the couple are relevant nationals,¹⁹ each must:

- (1) be resident in England and Wales for the seven days prior to giving notice,
- (2) give notice in person to the superintendent registrar of the district where that person has lived for the previous seven days, and

¹³ ONS, *Marriages in England and Wales QMI* (19 May 2022).

¹⁴ Visit Britain, *2019 inbound data*, <https://www.visitbritain.org/2019-inbound-data> (last visited 7 July 2022). England and Wales had 37.14 million visitors in 2019, Scotland had 3.46 million.

¹⁵ ONS, *Marriages in England and Wales QMI* (19 May 2022)

¹⁶ National Records of Scotland, *Marriages and Civil Partnership - Time Series Data* (July 2021) Table MT.04: Marriages in Scotland, by country of residence of parties, 1974 to 2020

¹⁷ Northern Ireland Statistics and Research Agency, *Registrar General Annual Report 2019 Marriages* (December 2020) table 7.14.

¹⁸ Central Statistics Office, *Marriages 2019*, Table 1: Summary data for marriages 2014-2019

¹⁹ If both the couple are not relevant nationals and are not exempt from immigration control, they must give notice together. See the Glossary at Appendix 1 for the meaning of “relevant national” and “exempt from immigration control”.

- (3) wait for a period of 28 days (the “waiting period”) while this notice is displayed in the register office.

Once the required waiting period has been completed, assuming no objections are made, a schedule authorising the wedding to take place at a specified location will be issued.

The requirement that each person should have been resident in England and Wales for seven days before giving notice makes it more difficult for some couples to marry in England and Wales, and prevents others from doing so altogether. The residency requirement may cause problems for those who live or work overseas, as well as those who regularly move between registration districts within England and Wales, for example those living on houseboats or in caravans.

The requirement to give notice in person may be inconvenient and time-consuming. Register offices are generally only open during normal working hours, and not at weekends. The requirement in many cases to make an appointment to give notice in person may well mean that it is some time before notice can be given and the 28-day notice period that follows can start. The requirement that notice must be given in each person’s district of residence will usually necessitate people booking time off work. Furthermore, couples who live in different districts are precluded from giving notice together.

Civil preliminaries: people who have a terminal illness

Instead of being authorised by two certificates of a superintendent registrar, weddings involving people who have a terminal illness can be authorised by a Registrar General’s licence. A Registrar General’s licence can be issued with no waiting period, rather than the 28-day waiting period normally required for civil preliminaries.²⁰

To obtain a Registrar General’s licence, the person who is terminally ill is not required to give notice of their intention to marry; only one of the couple needs to give notice to the superintendent registrar of the district in which the wedding will take place.²¹ Although evidence is required that the seriously ill person understands “the nature and purport of the marriage ceremony”, registration officers will have no contact with that person before the ceremony.²²

Anglican preliminaries: calling the banns

At present, if a couple is having an Anglican wedding, banns may need to be called in up to three parishes: the parish of residence of each of the parties and the parish where the wedding is taking place.

The ceremony

Requirement for two registration officers to attend a civil wedding

Under the current law, a civil wedding, whether in a register office or on approved premises, requires the attendance of a registrar and a superintendent registrar, both appointed by the

²⁰ This might be extended to 70 days for weddings involving those who are not relevant nationals and are not exempt persons; Marriage Act 1949, ss 28H(9) and 31(1) to (2), and sch 3A para 3. See the Glossary for the meaning of “relevant national” and “exempt person”.

²¹ Marriage (Registrar General’s Licence) Act 1970, s 2(1).

²² Marriage (Registrar General’s Licence) Act 1970, s 3(d).

local authority. The registrar is responsible for registering the wedding, but the superintendent registrar is simply required to be present (although in practice they usually conduct the ceremony).

Requiring two registration officers attend is inefficient and an unnecessary level of duplication. It results in a significant cost for the couple, reflected both in the limitations that are placed on when fixed-fee register office ceremonies are available and in the higher fees that are charged for their attendance at weddings on approved premises (see the “fee structure” section below for details of these fees). This cost additionally limits the options available to couples.

The need for two registration officers also limits their availability at popular times, restricting the ability of the local authority to provide wedding services, and further restricting couples’ choice. Research indicates that the Covid pandemic has resulted in a backlog of civil ceremonies, causing difficulties for couples seeking to book or rebook such a ceremony, and that “it is likely that this backlog could have been dealt with more quickly had it not been necessary for two registration officials to attend every civil wedding.”²³

Cost and availability of register office weddings

Under the current law, one affordable option for couples wanting a civil ceremony is the low-cost ceremony in a register office. A register office is the office of the superintendent registrar of each district, required to be provided to the superintendent registrar by each council.²⁴

The fee for the register office ceremony is set by regulation, as a fee for the attendance of the registrar, at £46;²⁵ there is no fee prescribed for the attendance of the superintendent registrar, who is also required to attend.

However, the register office ceremony at this set fee is not widely available. Evidence suggests that many local authorities have decreased the number of register offices available, restrict the number of such ceremonies by limiting when they are available, or do not provide or do not advertise ceremonies for the statutory fee of £46, including by requiring couples to purchase a marriage certificate (or more than one) in order to get married in a register office ceremony to increase the cost by £11 per certificate,²⁶ or charging booking fees that are not deductible from the cost of the ceremony.²⁷

²³ R Probert and S Pywell, “Love in the time of Covid-19: a case-study of the complex laws governing weddings” (2021) 41 *Legal Studies* 676.

²⁴ Marriage Act 1949, s 45(1) and Registration Service Act 1953, s 10.

²⁵ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

²⁶ The prescribed fee for a marriage certificate is £11: Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

²⁷ See All-Party Parliamentary Humanist Group, ‘Any lawful impediment?: A report of the All-Party Parliamentary Humanists Group’s inquiry into the legal recognition of humanist marriage in England and Wales’ (2018) p 56; S Pywell, “2 + 2 = £127, if you’re lucky” (3 March 2020) *Law Gazette*, <https://www.lawgazette.co.uk/practice-points/2--2--127-if-youre-lucky/5103309.article> (last visited 7 July 2022); R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, “Trying to get a piece of paper from City Hall? The availability, accessibility and administration of the register office wedding” (2022) 44 *Journal*

Location

The current law is a buildings-based system; in most cases, the authority for weddings to take place is based on regulation of the building. Almost all types of wedding must take place in a place of worship or on approved premises.

Location of religious weddings

An Anglican wedding must generally take place in an Anglican church or public chapel. The law is silent about where Jewish and Quaker weddings can take place, and they are therefore legally permitted to take place anywhere, in any type of location. Every other religious wedding must take place in a certified place of worship that is registered for marriage. A couple marrying in a registered place of worship is also subject to rules about the registration district where the wedding can take place, based on where the couple is resident or their usual place of worship.²⁸

The law requiring most types of religious wedding to take place in registered places of worship does not work well for many couples, including couples belonging to religious groups who do not see their place of worship as a meaningful place to marry, who do not worship indoors, or who do not have their own places of worship. It also limits the ability of religious officials of those religious groups to marry members of their group.

Location of civil weddings

Under the current law, a civil wedding can only take place in a register office or on approved premises.

Most weddings take place on approved premises. To be approved under the Approved Premises Regulations,²⁹ the premises must be a permanent, immovable structure, or a permanently moored boat. Approved premises must not be religious premises, and must be regularly available to the public for use for weddings and civil partnership ceremonies.³⁰ In 2021, the regulations were amended to permit weddings to take place outdoors on approved premises, in an area linked with and within the boundary of the built premises in which a room has been approved. The linked outdoor area must have been approved by the superintendent registrar as seemly and dignified.³¹ Outdoor areas cannot, on their own, be approved.

A venue must pay a fee to the local authority to apply to become approved premises, at a level determined by the local authority as reasonably representing the costs incurred or likely to be incurred by the local authority in respect of the application or renewal.³² (See the “fee

of Social Welfare and Family Law (forthcoming),
<https://www.tandfonline.com/doi/full/10.1080/09649069.2022.2067651> (last visited 7 July 2022).

²⁸ Marriage Act 1949, ss 34, 35, 41, 43A and 44.

²⁹ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168).

³⁰ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), regs 2(1) and 2C(1) and sch 1 para 5.

³¹ The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021 (SI 2021 No 775); Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2022 (SI 2022 No 295).

³² Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), reg 12(1) to (5).

structure” section below for details of these fees.) Because venues are operating on a commercial basis, these costs will inevitably be passed onto couples, increasing the costs of their wedding. The cost of the approval process also deters venues which do not specialise in weddings, smaller venues, and community or non-commercial venues from seeking approval (restricting couples’ choices further), or result in the venues having to incur significant costs to comply with approval requirements.

Weddings on cruise ships

Currently, the law of England and Wales does not provide for, nor even contemplate, weddings taking place at sea. United Kingdom registered ships are unable to offer legal ceremonies at sea, in international waters, because of the domestic weddings law of England and Wales. The Department for Transport has explained that the inability to do so has influenced the decision of some companies as to where to register, or “flag”, their ships. For example, in 2011 Cunard announced that three vessels operating out of Southampton would no longer sail under the British flag, because they were unable to conduct weddings at sea on the United Kingdom register.³³

Validity

Where a wedding takes place without the legal requirements being complied with, a variety of consequences may follow.³⁴

- (1) In some instances, the marriage will be valid, despite the failure to comply with a particular requirement.
- (2) The marriage will be void if there has been some engagement with the Marriage Act 1949 but both parties “knowingly and wilfully” failed to comply with one or more of a limited range of key formalities.³⁵
- (3) The ceremony will be a non-qualifying ceremony if it falls outside the scope of the legislation altogether, regardless of whether the couple’s non-compliance was deliberate or innocent.³⁶

Whether a ceremony results in a valid or void marriage or is non-qualifying has significant consequences. A valid marriage brings a range of legal rights and responsibilities. If a marriage is void, a court has the same powers to reallocate assets between the couple as upon divorce; in other contexts, however, a void marriage does not have the same consequences as a valid marriage. If the ceremony is non-qualifying, the couple are simply treated as cohabitants; in such cases a court has no power to reallocate assets between the

³³ “Cunard announces it will drop the British flag” (19 October 2011) *BBC News*, <https://www.bbc.co.uk/news/uk-england-hampshire-15366562> (last visited 7 July 2022).

³⁴ Our focus is on the formalities required for a valid marriage; see Matrimonial Causes Act 1973 for the other grounds on which a marriage may be void (s 11) or voidable (s 12).

³⁵ Marriage Act 1949, ss 25 and 49.

³⁶ *Attorney General v Akhter* [2020] EWCA Civ 122, [2020] 2 WLR 1183.

couple on separation and couples have fewer rights overall than if they had a void marriage.³⁷

National emergencies

The current law was not designed to allow weddings to take place during a national emergency in which there is major disruption to public life, including the closure of places of worship and many other buildings, and restrictions on travel and gatherings among the population at large. In England and Wales, the emergency measures introduced in 2020 to prevent the spread of Covid meant that weddings were generally unable to take place, because it was not possible to hold a wedding in compliance with the requirements of the Marriage Act 1949, for significant periods of time.³⁸

We set out the particular problems with the current law highlighted by consultees responding to our Consultation Paper.

Civil preliminaries

When registration services were closed to the public, couples could not give notice of their intention to marry and the displayed notices of intention to marry were not accessible.

Local authorities noted that during the pandemic, there was no option for the authority for marriage to be extended, resulting in additional work (for local authorities) and costs (for couples) when couples had to give notice again. Venues specified on the authority to marry could not be changed unless a new notice was given.

Anglican preliminaries: Banns and common licences

Banns could not be read during lockdown when churches were closed, resulting in the need for Anglican couples to obtain authority to marry using common licences.

Location

The emergency restrictions meant that for a period of time places of worship and other wedding venues were closed, so weddings could not take place in these locations.

Initially, it was not possible for weddings to take place on the grounds of approved premises. In July 2021, Government made provision for civil weddings to take place outdoors on the grounds of approved premises.³⁹

Ceremonies: Pressure on registration services

A civil wedding, whether in a register office or on approved premises, requires the attendance of a registrar and a superintendent registrar. Religious weddings where an approved person is not present require the attendance of a registration officer. These requirements placed pressure on registration services during the pandemic.

³⁷ For a summary of the implications of this, see J Miles, “‘Cohabitants’ in the Law of England and Wales: a Brief Introduction” in RC Akhtar, P Nash and R Probert (eds) *Cohabitation and Religious Marriage: Status, Similarities and Solutions* (2020).

³⁸ See Consultation Paper, paras 11.46 and 11.53.

³⁹ The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021 (SI 2021 No 775).

This pressure was increased by the need under the current system for those couples having a non-legally binding religious or non-religious belief ceremony, or one conducted by an independent celebrant, to have a legally binding ceremony, usually at a register office.

Non-legally binding weddings

Religious organisations highlighted the difficulties faced by couples whose beliefs did not permit them to cohabit before marriage. The Nuffield project studying non-legally binding wedding ceremonies also identified an increase in religious groups – Christian, Jewish, Muslim, Hindu and Sikh – conducting such ceremonies during the pandemic.⁴⁰

The Nuffield project also found individuals who had had a non-legally binding ceremony in 2020 who were still waiting to have their legal wedding on account of the pressure on registration services. The project noted a risk that couples would not prioritise the legal wedding once they were already married in the eyes of their religion and community, and that the pandemic would result in more couples remaining in religious-only marriages.⁴¹

OBJECTIVES

The project aims to provide a reformed law of weddings that allows for greater choice within a simple, fair and consistent legal structure.

- To simplify the process and remove unnecessary red tape to make it fair, easier to follow, and more efficient. As part of this, it aims to ensure that, in so far as possible, the same rules apply to all couples and to all groups conducting weddings, addressing unfairness in the treatment of different groups.
- To provide a framework that could allow NRBOs (such as Humanists) and/or independent celebrants to conduct legally binding weddings, and which works well for the types of ceremonies that Humanist celebrants and independent celebrants currently conduct.
- To offer couples greater flexibility over the form their wedding ceremonies will take. Aiming to allow all couples and religious groups (and, if enabled to conduct weddings, NRBOs) to choose:
 - where their weddings take place, without unnecessary restrictions and costs, allowing weddings to take place outdoors (for example on beaches, in parks, in private gardens) and in a wider variety of buildings (for example in private homes and on military sites); and
 - the form their wedding ceremonies will take, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.

⁴⁰ R Probert, R Akhtar, S Blake and S Pywell, *The impact of Covid-19 on legal weddings and non-legally binding ceremonies* (2022) p 15.

⁴¹ R Probert, R Akhtar, S Blake and S Pywell, *The impact of Covid-19 on legal weddings and non-legally binding ceremonies* (2022) p 31.

- To ensure that fewer weddings result in a marriage that the law does not recognise at all, and clarify the consequences when a couple has not complied with the required formalities, providing greater protection and certainty for couples.

RATIONALE FOR INTERVENTION

The conventional economic approach to Government intervention to resolve a problem is based on efficiency or equity arguments. The Government may consider intervening if there are failures in the way markets operate (eg monopolies overcharging consumers) or if there are failures in existing Government interventions (eg waste generated by misdirected rules). In both cases the proposed intervention itself should avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and re-distributional reasons (eg to reallocate goods and services to the more deprived groups in society).

Weddings are a significant event. Preparations for the day often incur a long lead time as the couple search for an appropriate venue and seek to satisfy both legal requirements and their own wishes or beliefs. Problems arise when the couples cannot marry in a ceremony that is meaningful to them, or in spite of their due diligence the cost of the wedding exceeds the budget, or worse, unbeknownst to the couple the marriage is void or the ceremony is non-qualifying.

The costs incurred in arranging a wedding are a matter decided by the couple themselves; however, there may be avoidable costs that result from misplaced legislation. Such costs are not necessarily solely financial as couples may have preferences which are not accommodated under existing arrangements, such as those guided by strongly held beliefs, and may not wish to compromise. If couples cannot have a wedding that is meaningful to them, they may choose not to marry, or may have a ceremony that is not legally recognised. By providing greater choice there is the increased potential for a rise in the number of weddings taking place. This ushers in enhanced scope for industry growth or at a minimum, enlargement to new or underrepresented areas.

Of significant concern is the potential lack of legal recognition of a marriage as it carries far-reaching consequences. This lack of legal recognition is often not detected until a critical situation arises such as the breakdown of the marriage or the death of one of the parties.

Scale and scope

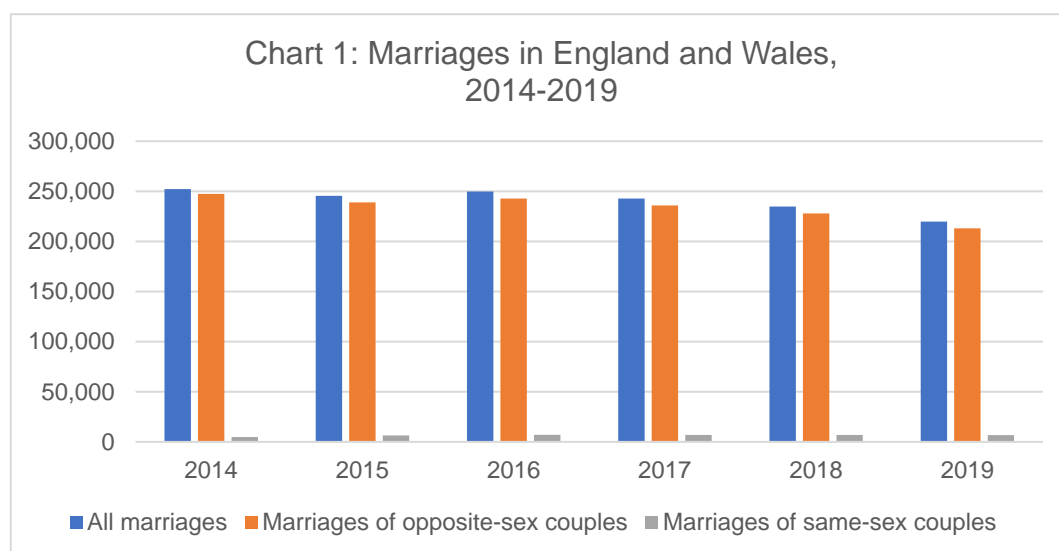
COVID-19 DATA IMPACT

The Covid-19 pandemic has affected everyone. In addition to the tragic loss of life, in 2020 and 2021 daily life was put on hold in England and Wales and across the world. As a result of emergency measures first introduced on 23 March 2020 to prevent the spread of Covid-19, weddings were generally unable to go ahead for many periods in 2020 and 2021, with many couples having to reschedule or cancel their weddings.

In the approach to collating data for our impact assessment we have decided largely to use pre-Covid-19 statistics. We believe that pre-pandemic statistics provide a fuller picture of the weddings industry and will allow us to better reflect the impact that our recommendations will have. Where statistics have been calculated in the light of the pandemic, it must be taken into account that the impact of Covid-19 and the recovery of the economy might have inflated these figures; for example, there may be a temporary rise in the number of weddings and wedding-related expenditure, as a backlog of weddings that were delayed by the pandemic take place. Therefore, at times, we might overestimate the impact of our recommendations.

NUMBER OF WEDDINGS

In 2019, there were 219,850 marriages in England and Wales. This number marks a decrease of 6.4% compared with 2018. See Chart 1 below.



There were 213,122 marriages between opposite-sex couples of which 18.7% were religious ceremonies. Marriage rates for opposite-sex couples were the lowest on record since 1862. Since 1992, there has been a 60.4% decrease in opposite-sex religious ceremonies, and the percentage of civil ceremonies has increasingly outnumbered religious ceremonies.

Some 6,728 same-sex couples married during this period. Of this number 0.7% were religious ceremonies.⁴² An additional 578 same-sex couples converted their civil partnership into a marriage.

Approximately 22,300 buildings that have been registered for opposite-sex weddings include 21,315 Christian, 306 Muslim, 200 Sikh, 101 Hindu, and 15 Buddhist places of worship, although each of these groupings include a variety of different sub-groups and denominations. Just 292 certified registered religious buildings were also registered for same-sex weddings.⁴³

As of December 2021, there were just over 7,000 certified places of worship that were not registered to conduct any weddings.

The UK Weddings Taskforce⁴⁴ predicts that within the next two years, weddings will generate more than £28 billion for the UK economy, with an estimated £14.7 billion spent on weddings per year.⁴⁵ The UK Weddings Taskforce also highlights how approximately 400,000 workers are involved in weddings.⁴⁶

PROCEDURE FOR GETTING MARRIED

The Marriage Act 1949 governs weddings in England and Wales. There are three key stages to the legal process of getting married:

- (1) obtaining legal authorisation for the wedding to go ahead (also called giving notice or the preliminaries);
- (2) having a ceremony in compliance with the legal requirements; and
- (3) registration of the marriage.

All legal weddings in England and Wales, whether civil or religious, contain these three stages. While all weddings involve these three stages, there is considerable variation between civil and religious weddings, and between different forms of religious weddings, in terms of what is required at each stage.

⁴² Notably, not all religious organisations conduct marriages for same-sex couples.

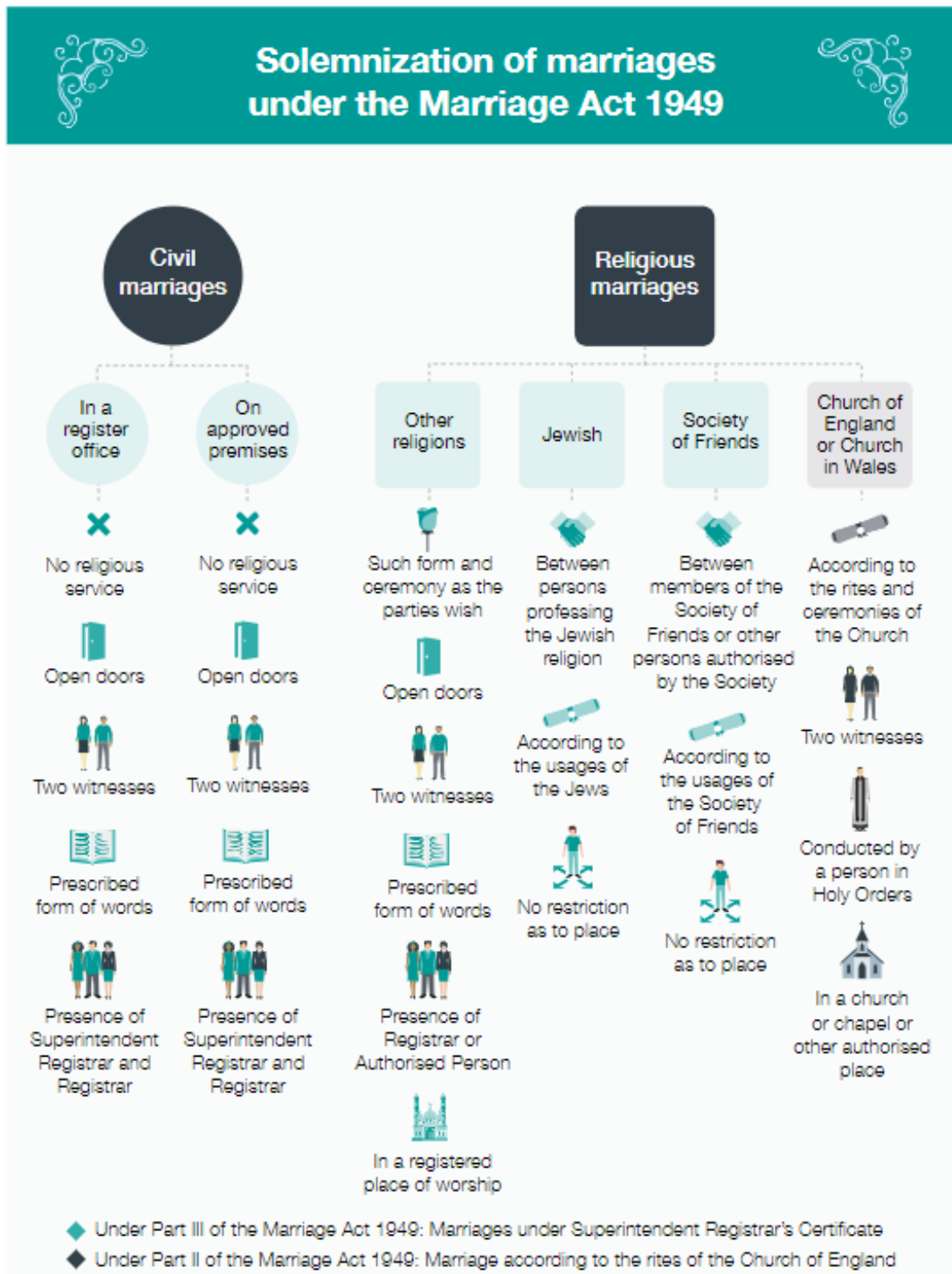
⁴³ General Register Office, *Places of worship registered for marriage* (December 2021), <https://www.gov.uk/government/publications/places-of-worship-registered-for-marriage> (last visited 7 July 2022).

⁴⁴ An All-Party Parliamentary Group (APPG) for Weddings.

⁴⁵ UK Weddings Taskforce, “The UK Wedding Industry – Facts & Figures”, <https://ukweddings.org/key-facts> (last visited 7 July 2022).

⁴⁶ UK Weddings Taskforce, “The UK Wedding Industry – Facts & Figures”, <https://ukweddings.org/key-facts> (last visited 7 July 2022).

The infographic below shows the procedure for getting married under the current law.



If a couple fails to comply, either intentionally or without realising, with the legal requirements for a wedding, the law might not recognise them as being legally married. This risk arises most often with some religious wedding ceremonies. Couples often only discover their lack of legal status when their relationship breaks down, or on the death of one of them. When that happens, the parties may have no legal rights against each other, or against their estate if one of them has died. In practice, the effect of this position will be felt by the financially weaker party, disproportionately women, and can cause hardship for any children of the relationship.

COSTS OF WEDDINGS

Fee structure

Preliminaries

The fees for preliminaries are paid by the couple.

Couples wanting an Anglican wedding ceremony will usually follow the Anglican preliminaries route. Couples who cannot follow the Anglican preliminaries route (generally those who are not relevant nationals) and all other couples must follow the civil preliminaries route.

Civil preliminaries

Fees for giving notice for civil preliminaries are currently set by the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016:⁴⁷

Notice giving option	Amount
If both parties are exempt persons (meaning both are relevant nationals, or have the appropriate immigration status or hold a relevant visa in respect of the proposed marriage or civil partnership ⁴⁸)	£35 per person
In every other case	£47 per person

Additional fees for giving notice apply where the circumstances of the party require that the superintendent registrar travel to them to take notice:

	Amount
A person who is housebound	£47 per person
A person who is detained	£68 per person

Other fees:

	Amount
A couple giving notice for a wedding involving a person who is terminally ill ⁴⁹	£18 per couple
An application to reduce the 28-day waiting period	£60 per person

⁴⁷ SI 2016 No 911.

⁴⁸ See the Glossary in Appendix 1 for the meaning of “exempt person” and “relevant national”. See also Immigration Act 2014, s 49.

⁴⁹ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

An application for consideration of foreign evidence of a divorce or the dissolution of a civil partnership ⁵⁰	£75
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Some local authorities charge parties giving notice a booking fee, which must be paid in order to book an appointment to give notice. In some cases, booking fees are only required for online bookings or for appointments outside regular office hours. In other cases, it appears that anyone giving notice of their intended wedding in the district must pay a booking fee. Research has also shown that, in some cases, booking fees are a separate non-deductible fee from the cost of the ceremony, increasing the cost of a statutory wedding ceremony substantially.⁵¹

Anglican preliminaries

Within the Church of England, the fee is £32 for each set of banns. The cost can therefore range from £32 (for one set of banns to be called where the parties live in the same parish and are marrying there) to £128 (where the parties live in different parishes and are marrying in a third and each needs to produce a banns certificate from their home church at a cost of £16 each).⁵²

Alongside setting the fees for banns, the Church of England sets the fees for common licence and special licenses.

Notice option	Fee
Each set of banns.	£32
Common licence ⁵³	Around £200
Special licence ⁵⁴	Around £325

Within the Church in Wales, there is no separate fee for the publication of banns where the wedding is taking place in the same parish. Banns must be called in the parish(es) where each party resides. Where the banns are called outside the parish where the wedding is

⁵⁰ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

⁵¹ S Pywell, "2 + 2 = £127, if you're lucky" (3 March 2020) *Law Gazette*, <https://www.lawgazette.co.uk/practice-points/2--2--127-if-youre-lucky/5103309.article> (last visited 7 July 2022).

⁵² The Church of England, "The cost of church weddings" <https://www.churchofengland.org/life-events/your-church-wedding/just-engaged/cost-church-weddings> (last visited 7 July 2022). The relevant SI is the Parochial Fees and Scheduled Matters Amending Order 2019 (SI 2019 No 752), arts 5 and 6, and sch 1. This lists a base fee for the calendar year 2020, and the mechanism for that fee to increase.

⁵³ The fees for applying for a licence are not set nationally but by order of the Vicar-General of each diocese: Faculty Office, *Anglican Marriage in England and Wales: A Guide to the Law for Clergy* (3rd ed 2010 (supplemented in 2013 and 2015)) para 9.13.

⁵⁴ The Church of England, "Special licences" <https://www.churchofengland.org/life-events/your-church-wedding/just-engaged/special-licences> (last visited 7 July 2022).

taking place, there is a fee of £40, which covers both the publication and the certificate of banns.⁵⁵

Ceremony and location

Register office weddings

Every local authority must provide a register office in which weddings may take place.⁵⁶ The cost of a register office wedding is set by regulation.⁵⁷

Cost of a register office wedding	Fee
Fee for the attendance of a registrar ⁵⁸	£46 per couple

We have heard from stakeholders that register office weddings are not widely available.

Civil weddings on approved premises

Currently, there are two separate types of fees for civil weddings on approved premises. The first type of fees is those for approval of the premises (and renewal of approval), paid by the venue as part of the approval application. The second type of fees is those for the attendance of the superintendent registrar and registrar at the wedding, paid by the couple. Both fees are determined by the local authority as an amount that reasonably represents the costs in respect of either the approval or the attendance.⁵⁹

Fees in relation to location

Fees for the approval of premises are set by each local authority, so they vary. Under the Approved Premises Regulations, fees charged must not exceed the amount which reasonably represents the costs incurred or likely to be incurred in respect of the application or renewal (or the average costs incurred, if a fee is set for applications generally or of a particular class).⁶⁰ Our initial research suggests that the median application fee is £1,500, but it ranges from £51 to £3,210; fees may also vary depending on whether the local authority charges additional fees based on the number of rooms for which approval is sought. In addition to these direct fees, venues may also be meeting costs in order to make any changes to the premises necessary to comply with the conditions of approval.

⁵⁵ Church in Wales, *Marriage Fees: Table of Fees (From 1 January 2022)*, <https://www.churchinwales.org.uk/en/life-events/weddings/marriage-fees/> (last visited 7 July 2022).

⁵⁶ The meaning of a “register office” is defined in the Registration Service Act 1953.

⁵⁷ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

⁵⁸ There is no fee prescribed for the attendance of the superintendent registrar, who is also required to attend.

⁵⁹ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), reg 12.

⁶⁰ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), regs 12(1), 12(2) and 12(3).

Fee for the attendance of registration officers

A marriage solemnized on approved premises must be attended by a superintendent registrar and a registrar.⁶¹ Under the Approved Premises Regulations, local authorities can charge a fee that reasonably represents the costs of the attendance of the superintendent registrar and registrar.⁶² The local authority is entitled to set different fees for different cases or circumstances.⁶³

Our research carried out prior to the consultation indicated that most, if not all, local authorities charge different attendance fees for different days of the week. Generally, local authorities use an ascending scale of fees for Monday to Thursday, Friday, Saturday, Sunday, and bank holidays and national holidays, but the scale of the differences varies. For example, one local authority charged £600 on a Thursday and £650 on a Sunday; by comparison another charged £150 on a Thursday and £370 on a Sunday. Several authorities also charge increased fees for attendance in the late afternoon or evening. At least one local authority charged higher fees during the summer. When we compared the fees for a wedding at 2pm on a Saturday in summer, the median attendance fee was £488. There was some regional variation, with the lowest median attendance fee in Wales, at £440, and the highest in South East England, at £595.

Weddings of people who are housebound, detained or terminally ill

The law currently provides for weddings to take place at the location of a person who is housebound, detained, or terminally ill. If the wedding is a religious ceremony (other than an Anglican, Jewish or Quaker ceremony), then a registrar is required to attend. If the wedding is a civil ceremony, then a superintendent registrar and a registrar are required to attend.⁶⁴

The fees for the attendance of each is prescribed in the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016:

	Wedding involving a housebound person (amount per couple)	Wedding involving a detained person (amount per couple)	Wedding of a terminally ill person (amount per couple)
A. Registrar	£81	£88	£2
B. Superintendent registrar	£84	£94	£2
Total	£165	£182	£4 (which comes out of the £15 fee already paid for the Registrar General's licence)

⁶¹ Marriage Act 1949, s 46B(1)(b).

⁶² Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), reg 12(6).

⁶³ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), reg 12(8).

⁶⁴ Marriage Act 1949, s 45A(2) and (3); Marriage (Registrar General's Licence) Act 1970, s 10(2).

Certification of places of worship

In order to conduct weddings, most religious organisations⁶⁵ must have a place of worship certified and then registered for the solemnization of marriage. Fees for certification and registration are prescribed by regulations, as is the fee for the attendance of a registrar at weddings in the place of worship.⁶⁶

	Amount
Certification of the place of worship	£29 per venue
Registration of the building for the solemnization of marriage	£123, or £63 where the building is already registered for opposite-sex or same-sex marriages
Attendance of the registrar, if an authorised person is not present	£86 per couple

There is no fee for the certification of an authorised person.⁶⁷

Registration

Under the current law there are no separate fees prescribed in relation to registration of marriages. However, there are fees prescribed for obtaining documents, such as a certified copy of an entry in the marriage register, conducting searches of entries in the marriage register, and making corrections to the marriage register.

Average cost of a wedding

Bridebook.co.uk detailed how the average cost of a wedding in 2021 (excluding the cost of an engagement ring and honeymoon) was £16,529, with spending rebounding back to pre-pandemic levels after a dip in 2020.⁶⁸ In its 2021 survey, Hitched found that the average cost of a wedding in 2021 (excluding the cost of an engagement ring and honeymoon) was £17,300.⁶⁹

A large part of wedding costs relates to the wedding venue, which can also include the costs of a reception venue and reception. Bridebook.co.uk detail that the average amount spent

⁶⁵ All those other than the Church of England; the Church in Wales; synagogues certified by the Board of Deputies of British Jews, the West London Synagogue, or St John's Wood Synagogue; and the Religious Society of Friends.

⁶⁶ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911).

⁶⁷ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1. We note that some local authorities also appear to require couples marrying in registered buildings to purchase a marriage certificate.

⁶⁸ Bridebook.co.uk, *The UK Wedding Report 2022* (2022) p 67 <https://docsend.com/view/keeh29qj3thk7r7a> (last visited 7 July 2022).

⁶⁹ Hitched's National Weddings Survey 2021 surveyed 2,064 couples who married in 2021 to establish the average cost of a wedding: see Z Burke, "The National Wedding Survey: the average UK wedding in 2021" (2022) <https://www.hitched.co.uk/wedding-planning/organising-and-planning/average-uk-wedding/> (last visited 7 July 2022).

on a wedding venue (prior to Covid-19) was £6,286;⁷⁰ in 2021, the average spent was £6,428.⁷¹ Hitched details how the average spent on a venue in 2021 was £7,600: a 40% increase since 2019 where the average venue spend was £5,406.⁷² NimbleFins, providing a low, medium, and upper range of a cost for a wedding venue in 2021, details that venue costs can range from £500 to £10,000.

Research conducted by Bridebook.co.uk also highlights how average venue costs vary across various regions in England and Wales. The North West of England had the cheapest average venue costs (£5,841); South East England had the most expensive average venue costs (£7,029).⁷³

MAIN STAKEHOLDERS

- Religious groups, including the Church of England, the Church in Wales, the Faculty Office of the Archbishop of Canterbury, Jewish groups, the Religious Society of Friends, religious groups that conduct weddings in registered places of worship, and religious groups who would like to conduct legally recognised weddings but currently do not or cannot do so.
- NRBOs, including Humanists UK, and their celebrants.
- Local authorities and registration officers.
- Independent celebrants and celebrancy organisations.
- Cruise lines.
- Wedding venues.
- Couples and other members of the public.

DESCRIPTION OF OPTIONS CONSIDERED

This impact assessment compares Option 1 against the do-nothing Option 0:

- Option 0 – Do nothing
- Option 1 – Wide-ranging reform – Primary and secondary legislation used in conjunction with non-statutory reforms to facilitate a clear legal framework. Implementation of our recommendations, with Government additionally enabling

⁷⁰ Bridebook.co.uk, *The UK Wedding Report 2020* (2020) p 8 <https://docsend.com/view/s7yqx44> (last visited 7 July 2022). This figure includes the cost of weddings venues in Scotland and Northern Ireland.

⁷¹ Bridebook.co.uk, *UK Wedding Industry Law Review Report* (2022) p 75 <https://docsend.com/view/keeh29qj3thk7r7a> (last visited 7 July 2022).

⁷² Z Burke, "The National Wedding Survey: the average UK wedding in 2021" (2022) <https://www.hitched.co.uk/wedding-planning/organising-and-planning/average-uk-wedding/> (last visited 7 July 2022).

⁷³ Bridebook.co.uk, *UK Wedding Industry Law Review Report* (2022) p 75 <https://docsend.com/view/keeh29qj3thk7r7a> (last visited 7 July 2022).

NRBOs and independent celebrants to conduct legally binding weddings. Under Option 1, the following weddings are permitted:

- Civil weddings (conducted by registration officers and maritime officiants).
- Religious weddings (Anglican clergy and officiants nominated by religious belief officiants).
- Non-religious belief weddings (conducted by officiants nominated by NRBOs, which would include Humanists).
- Civil weddings conducted by independent officiants.

Options considered but not taken forward

Our recommended reforms create a framework within which either or both non-religious belief organisations and / or independent celebrants could be enabled to officiate at weddings. It is a matter for Government to decide whether or not they wish to enable either or both of them to do so.

We considered producing an assessment of the costs and benefits of enabling either or both NRBOs and independent celebrants to officiate at weddings, against the costs and benefits of not doing so. Enabling either or both groups to officiate at weddings will increase choice and availability, and may result in people who would not otherwise get married choosing to do so, increasing overall expenditure on weddings and related activities. However, on balance, we believe any such assessment could not provide a fair picture of the benefits of reform. Some aspects cannot be monetised, and we did not feel able to quantify the financial benefits of others with sufficient certainty. Accordingly, we have not sought to compare the financial costs and benefits of enabling NRBO officiants and / or independent celebrants to officiate at weddings with the financial costs and benefits of not doing so.

OPTION 0 – DO NOTHING

This option would be to retain existing arrangements.

The current legislation / rules allow for and create problems and inconsistencies. The law is complex, and the below table is not an exhaustive list of the current rules or problems caused.

Current legislation / rules	Problems caused
The rules that apply to weddings depend on the type of ceremony. A couple can have a religious wedding, or a civil wedding. Religious weddings are divided into Anglican, Jewish, or Quaker weddings, and those of other religious groups.	The law governing religious weddings provides for the unequal treatment of different religious groups. In practice, the different conditions that apply to different religious groups make it easier for some couples than others to marry in a ceremony that is meaningful to them.

Preliminaries Civil preliminaries are required for all civil weddings and non-Anglican religious weddings. Civil preliminaries require each member of a couple to be resident in England and Wales for seven days prior to giving notice, amongst other requirements.	The requirement to reside in England and Wales for seven days prior to giving notice makes it more difficult for some couples to marry here, and serves no clear purpose. The need for an individual to give notice in person, at a register office in their district of residence, may be inconvenient and time-consuming.
Location Regulation of weddings is generally based on the building in which the wedding takes place.	The current law governing where weddings can take place is complex and restrictive.
Anglican weddings must generally take place in an Anglican church or chapel. Jewish and Quaker weddings can take place anywhere. Other religious weddings must take place in a certified place of worship registered for marriage.	The law does not treat religious groups equally, and it does not accommodate some groups whose beliefs do not dictate that they marry in a place of worship. Couples who have different faiths must marry in a building that reflects the faith of only one of them if they want a religious wedding, or have a civil wedding where no religious content is permitted.
Civil weddings must take place in a register office, or premises approved for weddings.	The rules on civil weddings reduce couples' choice, generally limiting them to commercial wedding venues, and restrict businesses.
The wedding ceremony Anglican, Jewish and Quaker weddings must take place according to the rites of the Church of England, the usages of the Jews or the usages of the Society of Friends, respectively. Other religious weddings must include the prescribed words.	Religious groups are not treated equally. This is contrary to the principle of fairness and equality. The requirement for prescribed words does not fit into the rites and ceremonies used by some religious groups.
Couples who do not wish or are not able to have a religious wedding must have a civil wedding in order to be legally married.	Couples are not able to have a legally binding ceremony which reflects non-religious beliefs (such as Humanist beliefs). Interfaith weddings are not facilitated.
Civil weddings are prescribed in their content. They must contain the prescribed words and are prohibited from containing anything other than incidental religious content.	Couples having a civil wedding have limited ability to have a wedding that is meaningful to them.
The identity and responsibilities of the people in whose presence the wedding takes place vary according to the type of ceremony.	The law is complex and inconsistent. Different religious groups are treated differently. Civil weddings require two authorised people to be present.

<p>Registration</p> <p>A marriage schedule or marriage document (for Anglican weddings) must be signed by the parties, witnesses and the person specified as being responsible for it; this document is then registered.</p>	<p>It is not currently possible to complete the marriage schedule or marriage document in Welsh alone, despite Welsh having official status in Wales. This impacts negatively on Welsh-speaking couples in Wales, restricting choice.</p>
<p>Validity</p> <p>If a couple do not comply with the legal requirements for their wedding, it may still be valid, or may be void, or non-qualifying. A marriage may be void if both of the couple “knowingly and wilfully” fail to comply with certain legal requirements, or non-qualifying if the marriage does not comply with any of the legal requirements. If a marriage is void, a court can re-allocate assets between the couple as it could on divorce, but if the ceremony is non-qualifying, the court has no such powers.</p>	<p>The law is complex and uncertain; the legislation does not state the minimum requirements for a valid marriage. Furthermore, the threshold for a wedding to be declared non-qualifying rather than void differs according to the type of wedding. There are circumstances in which couples find themselves in a marriage which has no legal effect, for example if a couple enters a religious marriage which they do not realise does not comply with any of the legal requirements, or when they expect that a legally recognised ceremony will follow, but it does not.</p>

OPTION 1 – WIDE-RANGING REFORM – PRIMARY AND SECONDARY LEGISLATION USED IN CONJUNCTION WITH NON-STATUTORY REFORMS TO FACILITATE A CLEAR LEGAL FRAMEWORK

Wide-ranging reform is the preferred option, although it is a matter for Government as to whether it enables officiants nominated by non-religious belief organisations, such as Humanists, and independent celebrants to officiate at legally binding weddings

We recommend a scheme that would shift the focus of regulation from the building or venue where the wedding takes place, to the officiant. Our scheme will introduce the role of the officiant who will be required to attend every wedding and perform specific legal obligations.

The recommendations below are a small number, and simplified versions, of the recommendations we make in the Report.

Key elements

Key elements of our scheme include:

(1) Preliminaries

As under the current law, before getting married, couples will be required to give notice of their intention to marry. The purpose of preliminaries is to allow any impediments to a marriage to be discovered (for example, age, capacity, prior marriage, or the couple being too closely related), and to allow investigations to take place to identify forced and sham marriages.

Our recommended scheme retains the existing dual system of preliminaries: couples must give notice to the registration service, or, if the couple is having an Anglican wedding, they

can instead give notice to ecclesiastical authorities, through Anglican preliminaries, most usually by having banns called.

Civil preliminaries⁷⁴

Recommendation 1

We recommend 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 a registration officer should be abolished.

Recommendation 2

We recommend that it should be possible to start the waiting period by giving notice online or in person at any registration district, and that any person giving notice online should be required to attend a separate in-person interview at a later date.

Recommendation 3

We recommend that the minimum period between the in-person interviews and the date on which the schedule is issued should be five days.

Recommendation 4

We recommend that, as part of the civil preliminaries process, notices of marriage should be publicly displayed online.

Anglican preliminaries

Recommendation 13

We recommend that banns should only be required to be called in the parties' parish(es) of residence, and if that is not an option the parties should use the civil preliminaries process or obtain a common or special licence.

(2) Officiants

An officiant-based system

Our recommended scheme is based on regulation of the officiant rather than the building in which the wedding takes place. Every wedding will be attended by an officiant, who will have specific legal obligations in relation to the wedding.

Recommendation 16

We recommend that all weddings should be attended in person by an officiant who should have a legal duty to:

- (4) ensure that the parties freely express consent to marry each other;

⁷⁴ In the summary that follows we assume that both of the couple are relevant nationals or are exempt from immigration control. The additional requirements that apply to those who are not relevant nationals and are not exempt from immigration control are discussed in our Report.

- (5) ensure that the other requirements of the ceremony are met; and
- (6) ensure that the schedule or marriage document is signed by each of the couple, two people who have witnessed the parties' expression of consent, and themselves.

We recommend that all officiants should have a responsibility to uphold the dignity and significance of marriage in their role as officiants and in officiating at weddings.

We recommend that the General Register Office should issue guidance to all officiants on how to fulfil their legal duties and responsibilities.

Recommendation 18

We recommend that:

- (1) registration officers should be able to officiate only at civil weddings; and
- (2) as a matter of weddings law, only one registration officer should be required to officiate at a civil wedding.

Recommendation 19

We recommend that Clerks in Holy Orders authorised to exercise ordained ministry within the Church of England and Church in Wales should automatically be recognised as officiants.

Recommendation 20

We recommend that the governing authority of a religious organisation or NRBO be able to nominate officiants to be authorised by the General Register Office, subject to certain requirements.

Recommendation 23

We recommend that independent officiants be able to apply to the General Register Office to be authorised, subject to them demonstrating themselves a fit and proper person to be authorised, and undergoing necessary training.

Recommendation 25

We recommend that maritime officiants be able to apply to the General Register Office to be authorised, subject to them demonstrating themselves a fit and proper person to be authorised, and undergoing necessary training.

(3) Ceremony

Under our recommendations, a wedding will either be a civil or a belief ceremony. Its type will be determined based on the identity of the officiant: officiants will only be authorised to officiate at either civil or belief ceremonies.

Recommendation 29

We recommend that during every wedding ceremony, the couple should be required to express consent to be married, in the presence of each other, the officiant and the witnesses, in advance of signing the schedule or marriage document.

Recommendation 30

We recommend that all weddings should take place according to the form and ceremony agreed between the parties and the officiant, provided it complies with the other legal requirements.

Recommendation 32

We recommend that a civil ceremony should be required to be identifiable as a civil ceremony. We recommend that a religious or non-religious belief service should not be permitted in a civil ceremony; however, a civil ceremony should be able to incorporate religious or non-religious belief elements.

(4) Location

The focus of our scheme on regulating the officiant enables weddings to take place at a much greater variety of venues than is currently permitted. Under our scheme, a wedding would be legally permitted to take place anywhere, including outdoors, in a private venue such as a home or on a military site, and on inland and coastal waters, and the territorial sea.

Recommendation 34

We recommend that the existing restrictions on where a wedding can take place should be abolished.

We recommend that all weddings should be legally permitted to take place in any location. In particular,

- (1) civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages; and
- (2) there should be no legal prohibitions on the use of religious or non-religious belief venues for any type of wedding.

Wedding locations should not be required to be pre-approved. Instead, officiants should be responsible for deciding whether to approve the location of each wedding at which they officiate. In deciding whether to approve a location, officiants will be responsible for considering the safety of those attending and the dignity of the location.

The General Register Office should provide guidance to officiants on how to assess whether a location is safe and dignified for a wedding.

Recommendation 55

We recommend that there should be a power for a fee to be charged for registration officers to consider whether a location is safe and dignified for a wedding, but whether that fee is prescribed by regulations or determined by local authorities is a matter for Government to determine.

Weddings in the register office

Recommendation 54

We recommend that it should continue to be possible for couples to have a simple civil ceremony officiated at by a registration officer, for a fee prescribed by regulations.

Weddings at sea

Recommendation 48

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

(5) Registration

The final stage of the legal process of a wedding is registration of the marriage.

During the ceremony, the officiant will be responsible for ensuring that the schedule is signed by the couple, their witnesses and the officiant in each other's presence, after the couple has expressed consent to be married. The officiant will then be responsible for ensuring that the schedule is returned to the registration office in the district where the marriage took place within 21 days so that the marriage can be registered.

(6) Validity and offences

If a wedding does not create a valid marriage, the marriage will either be void or non-qualifying. A person may also commit an offence in relation to officiating or conducting a ceremony that does not result in a valid marriage.

Recommendation 37

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

- (1) the failure of either or both parties to complete the in-person stage of the civil or Anglican preliminaries, other than where the marriage is by special licence (although a failure on the part of the registrar or Anglican clergy to interview each of the couple separately would not render a marriage void);
- (2) the wedding taking place after authority to marry had lapsed;
- (3) the knowledge of both parties that the ceremony was not officiated at 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.

Recommendation 38

We recommend that failure to comply with any of the other requirements except those listed in Recommendation 37 should not render a marriage void, including:

- (1) mistakes in the issuance of the schedule or marriage document (including whether the conditions for the issue of the schedule or marriage document had been fulfilled);
- (2) the absence of witnesses; and
- (3) a failure to sign the schedule or marriage document, or to register the marriage.

Recommendation 39

We recommend that the following factors should result in a non-qualifying ceremony:

- (1) both
 - (a) the failure of either or both parties to complete the in-person stage of the civil or Anglican preliminaries, other than where the marriage is by special licence (excluding a failure on the part of the registrar or Anglican clergy to interview each of the couple separately); and
 - (b) either
 - (i) the knowledge of both parties that the ceremony was not officiated at by an authorised officiant, or
 - (ii) in the case of same-sex marriage, 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.

Recommendation 42

We recommend that it should be an offence

- (1) for an officiant, someone who purports to be an officiant, or someone who is leading the ceremony, dishonestly to mislead either of the couple about their status (or the status of the officiant or anyone purporting to be an officiant) or the effect of the ceremony; or
- (2) for an officiant to fail to disclose that the ceremony at which they are officiating will not give rise to a valid marriage; however, it should be a defence for the defendant to prove that they acted reasonably in the circumstances.

(7) Weddings in a national emergency

Emergency provisions

Recommendation 52

We recommend that weddings legislation should contain a power, to be exercised in a national emergency which prevents couples from complying with the formalities of getting married, for secondary legislation to make provisions that would permit any or all of the following measures to be put in place:

- (1) the validity of schedules and other forms of authority to marry to be extended;
- (2) both stages of civil preliminaries to take place entirely remotely;
- (3) the officiant, the couple, and the witnesses each to attend the wedding ceremony remotely; and
- (4) the schedule or marriage document 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 or marriage document.

Where necessary, the emergency measures should be able to extend beyond the end of the emergency.

We recommend that any special provisions that are put in place in a national emergency which prevents couples from complying with the formalities of getting married should be able to apply to all couples (but need not do so), depending on the nature and length of the emergency.

MONETISED AND NON-MONETISED COSTS AND BENEFITS OF EACH OPTION

This Impact Assessment identifies both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact to society might be from implementing these options. The costs and benefits of Option 1 are compared to the “do nothing” Option 0. Impact Assessments place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However, there are important aspects that cannot sensibly be monetised. These might include how the proposal impacts differently on particular groups of society or produces changes in equity and fairness, either positive or negative.

When calculating the net present social value (“NPSV”) for the impact assessment we have used a time frame of ten years, with the present being year 0. We have assumed that the transitional costs and benefits occur in year 0, the current year, unless otherwise indicated. Ongoing costs and benefits accrue in years 1 to 10. We have used a discount rate of 3.5%, in accordance with HM Treasury guidance. Unless stated all figures are in 2019/20 prices, and have been uprated using the GDP deflator to adjust for inflation.

Areas of impact

Costs and benefits are detailed in the cost / benefit sections of six areas of impact, mostly comprising groups or individuals on whom our recommendations will have the greatest practical and economic impact. These areas of impact are:

- Area 1: Couples who wish to marry
- Area 2: Officiants and nominating bodies
- Area 3: Businesses (primarily venues hosting wedding ceremonies)
- Area 4: Economy as a whole
- Area 5: Local authorities and the General Register Office
- Area 6: In a new national emergency

Number of weddings under our recommendations

Our recommendations directly impact on the number and types of weddings likely to take place under Option 1 and this impacts on identified on-going cost areas. Table 1 below sets out the number of different types of weddings which we estimate will take place under Option 1, and forms a central reference point in explaining the basis for monetised impact.

We assume an increase of 2%, 3% or 4% [low, central and high estimate respectively on the most recent [2019] figures available from ONS]. See Appendix 2 for assumptions applied to determine the number of types of weddings.

Table 1: Option 1 – Number/Types of Weddings⁷⁵

	Low estimate	Central estimate	High estimate
Total No. of weddings⁷⁶	224,400	226,600	228,800
• No. of Anglican weddings	29,620	29,910	30,200
• No. of other religious weddings	45,100	45,550	45,990
• No. of non-religious belief weddings	50,710	51,210	51,710
• No. of civil weddings by maritime officiants	450	450	460
• No. of civil weddings by registration officers	47,780	48,270	48,730

⁷⁵ All figures rounded to the nearest 10.

⁷⁶ Rounding means total may not always equal the sum of all areas.

• No. of civil weddings by independent officiants	50,710	51,210	51,710
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OPTION 0: DO NOTHING [BASE CASE]

Because the “do nothing” option is compared against itself its costs and benefits are necessarily zero, as is its NPSV.⁷⁷

OPTION 1

COSTS

TRANSITIONAL COSTS

FAMILIARISATION COSTS

Some familiarisation costs are likely across a range of users from local authorities (registration officers) / religious officiants / NRBO officiants and independent officiants who will need to review the updated procedures and new guidance. It is expected that the entire set of guidance will need to be read. Using readingsoft.com as a reference point provides an estimate of the time investment required to understand new requirements. See Table 2 below.

Table 2: Typical reading profile⁷⁸

Screen	Paper	Comprehension	Reader profile
100 wpm	110 wpm	50%	Insufficient
200 wpm	240 wpm	60%	Average reader
300 wpm	400 wpm	80%	Good reader
700 wpm	1000 wpm	85%	Excellent reader

Source: readingsoft.com

Based on the above an estimate of additional familiarisation cost is indicated in Table 3 below.

Assumptions

- (1) One-time costs impacting on wedding officiants under Option 1, where following implementation of our recommendations, civil weddings (registration officers,

⁷⁷ The NPSV shows the total net value of a project over a specific time period. The value of the costs and benefits in an NPSV are adjusted to account for inflation and the fact that we generally value benefits that are provided now more than we value the same benefits provided in the future.

⁷⁸ A typical page will have 350 words including white space and sub-headings.

maritime officiants and independent officiants), religious weddings (Anglican clergy and officiants nominated by religious belief organisations) and non-religious belief weddings (officiants nominated by NRBOs) are permitted.

- (2) Anglican clergy are excluded from these costs. They will incur some familiarisation costs in respect of our recommended scheme, but we are not able to quantify these costs. It is likely any guidance to Anglican clergy would be provided by the Church of England / Church in Wales.
- (3) New guidance will add a further 5 - 10 pages [with 8 pages being the central estimate]. Standard across all – good reading level.
- (4) Superintendent Registrars/ Registrars at local authorities are expected to read all – with possibly additional one [central estimate] or two [high estimate].
- (5) Research indicates that the vast majority of independent celebrants are self-employed, working as sole traders. We have therefore, by way of a salary proxy, applied the national minimum wage through to the average GB salary with an 18% uplift for non-wage costs when calculating the familiarisation costs for NRBO and independent officiants.

Table 3: Familiarisation costs (in £'000) for religious officiants, local authorities' registration officers, NRBO officiants and independent officiants.

	Low estimate	Central estimate	High estimate
Number of religious officiants ⁷⁹	33,500	39,090	44,670
Number of local authorities' officiants ⁸⁰ (registration officers)	1,420	1,780	2,130
Number of NRBO officiants ⁸¹	200	250	300
Number of independent officiants ⁸²	1,000	1,100	1,200

⁷⁹ 22,344 registered places of worship. Some officials or administrators will be responsible for several buildings or areas and there will be several wedding officiants associated with a place of worship. On this basis we use a range of between 1.5/2 times the number of places of worship to signify number of religious officiants.

⁸⁰ Number of local authorities in England and Wales to include use of temporary staff. On this basis we apply a multiple of 4 – 6 times this figure.

⁸¹ Humanists UK identified 257 celebrants performing weddings.

⁸² Large scale study of independent celebrants by Stephanie Pywell estimates at least 1,000 independent celebrants in 2015. S Pywell, "The day of their dreams: celebrant-led wedding celebration ceremonies" [2020] *Child and Family Law Quarterly* 177, 181.

Religious officiants' cost ⁸³	£52.73	£84.42	£105.53
Local authorities' officiants cost	£ 1.16	£ 2.39	£ 3.48
NRBO officiant cost	£ 0.21	£ 0.46	£ 0.71
Independent officiant cost	£ 1.05	£ 2.02	£ 2.84
Total cost	£55.15	£89.29	£112.56

Training

Under new requirements wedding officiants would need to learn about their duties in respect of the ceremony and what they needed to do. It is anticipated that all staff will require training in order to ensure awareness of new legislative responsibilities. Most weddings are civil weddings carried out by registration officers in receipt of regular training by local authorities.

For Anglican weddings, Anglican clergy would undertake training provided by the Church, as would other types of religious officiants.

Existing religious officiants will require training on the new systems/procedures but for new entrants such training will form part of the revised provision new entrants are expected to undergo.

It is anticipated that the General Register Office will need to update the guidance to local authority staff and also provide training. We assume training content will be of a similar volume to that required under sham marriage provisions. Half a day for around 400 staff was estimated at a cost of around £0.3m to include updating handbooks and guidance. Given the higher local authority staff complement (in the region of just over 1400 to about 2100) but with the benefit of economies of scale, we envisage costs will be in the region of 2-3 times so between £0.7m to £1.05m in 2022 prices.

Religious officiants, non-religious belief officiants, independent officiants and maritime officiants will all require training. We anticipate that such training would take between one and three days, with maritime officiants and independent officiants likely to require longer training. We consider it likely that the General Register Officer will provide training to officiants, although it will also be open to the General Register Office to approve training provided by religious bodies or NRBOs, and to approve providers of training to maritime officiants and independent officiants. We also consider it probable that it will be possible for this training to be undertaken online. However, we are not in a position to speculate on the level of costs that the General Register Office will incur in providing such training, nor the fees that it will charge to officiants or nominating bodies.

⁸³ See 'Clergy' salary on Table 14.5a See ONS ASHE
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>.

New systems and procedures

New IT requirements are indicated through for example the need for a national online database for giving notice initially online and displaying notices of intended marriage. The database would need to be accessible to all members of the public. We assume a system change will be on a similar scale to those required for the implementation of the sham marriage provisions in the Immigration Act 2014 at a cost of just under £0.6m.⁸⁴ This is a conservative estimate; it is likely that the cost will be higher, owing to the need to create an online portal for members of the public.

New offences

Recommendation 42 introduces two new offences as detailed under “key elements” above.

We have not attributed any additional costs to creating these new offences, as they will form part of the legislative drafting costs of implementing our proposals.

OPTION 1: WIDE-RANGING REFORM

Area 1: Couples who wish to marry

ONGOING COSTS

Location

Cost of having a location agreed

Under Recommendation 34, officiants will be responsible for deciding whether to approve the location of each wedding, having considered the safety and dignity of the location; it is possible that officiants may charge couples a fee to agree the location.

In the case of registration officers, under Recommendation 55, there will be a power for a fee to be charged for registration officers considering whether a location is safe and dignified, but whether that fee is prescribed by regulations or determined by local authorities is a matter for Government to determine. Table 4 below estimates the cost to a couple of a registration officer agreeing a location.

- (1) We have assumed a low, median and high figure for the fee charged to agree a location, based on the approach taken by registration officers in Scotland, where the fee for agreeing to a location is generally bundled up with the fee for conducting a wedding. Our report gives examples⁸⁵ of the difference in fees charged by some Scottish local authorities for conducting weddings at any other location, compared to weddings on their premises, from £76 to £109,⁸⁶ or

⁸⁴ The implementation of the sham marriage provisions in the Immigration Act 2014 was at a cost of 0.5m in 2015 prices, now 0.59m in 2022 prices.

⁸⁵ See Report, para 12.57.

⁸⁶ Renfrewshire Council, *Marriage fees*, <https://www.renfrewshire.gov.uk/article/3208/Marriage-Fees> (last visited 7 July); West Lothian Council, *Wedding Fees*, <https://www.westlothian.gov.uk/article/50516/Wedding-Fees> (last visited 7 July 2022). See also Perth and Kinross Council, *Marriage and civil partnership fees*, <https://www.pkc.gov.uk/article/15029/Marriage-and-civil-partnership-fees> (last visited 7 July 2022).

charging a fee of £61 for weddings at venues which, because they are not popular, need to be assessed.⁸⁷

- (2) We estimate that 48,270 civil weddings will be officiated by registration officers per year. This is the central figure from Table 1 above.
- (3) 88% of couples having civil weddings officiated at by registration officers will have a wedding at a location not owned or controlled by the local authority:
 - (a) According to ONS, in 2019, 17,802 civil weddings did not take place in approved premises, ie were register office weddings; this represents 9.9% of total civil weddings (179,905).
 - (b) We have increased this to 12% to reflect local authorities designating rooms in the same building as the register office, or otherwise under their control, as approved premises. This is evidenced by HM Passport Office's list of approved premises,⁸⁸ and research, for example "Hampshire's wedding brochure ... describes no fewer than nine register offices, but eight of them are approved premises".⁸⁹
 - (c) On the basis that 12% of civil weddings officiated at by registration officers take place at a location owned or controlled by the local authority, 88% will have a wedding at a location not so owned or controlled.
- (4) 88% of 48,270 weddings is 42,477 weddings.

Humanists and independent celebrants currently conduct ceremonies in a variety of locations, and we understand that Humanist and independent celebrants typically visit the venue prior to the day of the ceremony, either to assess the location or as part of ceremony rehearsal. Accordingly, we have not anticipated an additional cost arising from the requirement for officiants authorised by non-religious bodies and independent officiants to agree a location.

Table 4: Annual cost of location approval [£m]⁹⁰

	Low estimate	Central estimate	High estimate
A. Cost of approving a location.	£0	£60	£100

⁸⁷ Midlothian, *Arranging a marriage*, https://www.midlothian.gov.uk/info/640/birth_marriage_and_death/47/arranging_a_marriage (last visited 7 July 2022).

⁸⁸ HM Passport Office, "Civil marriages and partnerships: approved premises list" (9 October 2018), <https://www.gov.uk/government/publications/civil-marriages-and-partnerships-approved-premises-list> (last visited 7 July 2022).

⁸⁹ R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, "Trying to get a piece of paper from City Hall? The availability, accessibility and administration of the register office wedding" (2022) 44 *Journal of Social Welfare and Family Law* (forthcoming), <https://www.tandfonline.com/doi/full/10.1080/09649069.2022.2067651> (last visited 7 July 2022).

⁹⁰ For presentation purposes all numbers rounded to closest 10.

B. Number of civil weddings	48,270	48,270	48,270
C. Percentage which takes place on non-local authority properties	88%	88%	88%
D. Estimated cost to couples of fee for approving locations ((B x C) x A)	£0	£2.55m	£4.25m

Annual cost [central estimate] = £2.55m

Present value over 10 years = £21.21m

Cost of religious officiants' charges to conduct weddings outside a place of worship

Under Recommendation 34, all weddings may take place in any type of location. It is possible that some religious officiants will charge couples more to conduct weddings outside places of worship; for example, to reflect additional time travelling to the wedding venue. However, we think it is most likely that religious officiants will continue to charge couples low fees, or no fee at all, to officiate at weddings, and that the ability to marry in a wide range of places will not result in any material cost to couples.

Fees charged by officiants

Under Recommendations 20, 23 and 25, religious officiants, NRBO officiants, maritime officiants and independent officiants will all be able to officiate at weddings. We think that most religious officiants will continue to charge couples a low fee, or no fee at all, to officiate at weddings. We have not attempted to estimate the range of fees that may be charged by NRBO officiants, maritime officiants and independent officiants, or whether the fees that they currently charge might change if they are authorised to conduct legally recognised weddings and subject to the duties and responsibilities under our recommended scheme.

Benefits

Transitional benefits

None identified.

Ongoing benefits

Civil preliminaries

Civil preliminaries: residence requirements

Under Recommendation 1, removing the requirement for each member of a couple to reside in the registration district where they give notice for seven days prior to giving notice will benefit couples where one or both is resident overseas. For example, at present, a person might:

- a) need to travel to England and Wales twice (once to meet the residence requirement and give notice, once to marry). This might be the case for those living a

short flight away, or who have commitments meaning that they cannot stay in England and Wales for an extended period.

b) need to travel to England and Wales at least five weeks in advance of the wedding (to enable them to meet the residency requirement, then wait 28 days to marry). This might be the case for those for whom travel costs to England and Wales would be more expensive, and who are able to stay for the five-week period.

Under Recommendations 1, 2, and 3, these individuals will need to make one less trip, or stay for a shorter period of time, potentially saving travel and accommodation costs. Table 6 below estimates the savings to individuals, and as a whole.

Assumptions:

- (1) The cost of a visit to England and Wales is in range of £70 to £130 per day, per person. This figure has been reached by researching the average costs. A range of visit durations has been used, giving the cost of a 5, 10 or 14-day trip. We consider that this reflects a reasonable range of time for which a person might visit England and Wales for their wedding.

Table 5: Cost of a visit to England and Wales [£], 2022

	Low estimate	Central estimate	High estimate
Cost of a visit to England and Wales, per day.	£70	£100	£130
Cost of a 5-day trip	£350	£500	£650
Cost of a 10-day trip	£700	£1,000	£1,300
Cost of a 14-day trip	£980	£1,400	£1,820
Cost of a 5-week (35-day) trip	£2,450	£3,500	£4,550

- (2) Under our recommendations, the person in example (a) above might only save the cost of one set of flights, if the time spent in England and Wales remains unchanged. The person in example (b) will save the difference between their 35-day stay and the shorter stay that will be required by abolition of the residence requirement.
- (3) We have therefore proposed a range, taking into account the wide range of circumstances and potential costs involved.
- (4) Our lowest figure represents a situation like example (a), and assumes a total of five days in England and Wales (a couple of weekends, as notice has to be given on a weekday) at the lowest end of the range outlined at (1) above, plus the cost of two sets of flights at £100 each. Under the recommendations, this figure is reduced by the cost of one set of flights; the length of the trip to England and Wales to marry could not be reduced below five days, because

Recommendation 3 requires that the schedule can be issued no fewer than five days after the in-person interview date.

- (5) Our highest figure represents the situation in example (b) and assumes a 35-day visit at the top end of the range we outline at (1) above, totalling £4,550, plus one set of flights at £1,000. Under the recommendations, this figure is reduced by the difference between a 35-day and 14-day trip (flight costs remain the same).
- (6) Our “central” figure takes a mid-point between these two examples, assuming one five-day and one 10-day trip, at the mid-range figure shown at (1) above, and two sets of flights at £200 each. Under the recommendations, this figure is reduced by the cost of the shorter trip to give notice, and one set of flights.
- (7) 3,500 overseas residents marry in England and Wales every year. The most recent ONS estimate is that of the estimated 7,000 overseas residents who married in the United Kingdom in 2019, only half married in England and Wales.⁹¹

Table 6: Annual savings from removal of residence requirement [£m]

	Low estimate	Central estimate	High estimate
A. Current cost of travelling to England and Wales to give notice and marry.	£450	£1,900	£5,550
B. Cost under the recommended reforms.	£350	£1,200	£2,820
C. Saving per individual (A-B)	£100	£700	£2,680
D. Overseas residents marrying in England and Wales.	3,500	3,500	3,500
E. Total savings to overseas residents marrying in England and Wales (CxD)	£0.35m	£2.45m	£9.38m

Annual savings [central estimate] = £2.45m

Present value over 10 years = £20.38m

Civil preliminaries: in-person interview requirements

Under Recommendations 1 and 2, allowing an individual to attend for their in-person interview at any registration district will enable them to attend at the registration district most convenient to them, for example near their place of work. Couples will also be able to have their in-person interviews at the same location, even if they live in different districts (although their interviews will remain separate). This will provide greater flexibility for couples, save

⁹¹ ONS, *Marriages in England and Wales QMI* (19 May 2022).

travel costs and reduce the need to take time off work to attend appointments. Providing the required documents initially online, may reduce repeated journeys where, at present, individuals do not bring these with them to the in-person notice appointment.

Assumptions:

- (1) In practice, an individual will be likely to take leave to attend their in-person interview. We have estimated the value of that day's leave using figures for average earnings. Daily pay of £122 for individuals working full-time, based on ONS figures for median weekly pay in the UK of £611 for full-time employees, (£205 for part-time employees, equivalent to £41 per working day) as at April 2021.⁹² Central figures assume the loss of half a day's earnings for a full-time worker, highest figures assume the loss of a whole day's earnings. Figures for full-time work are used on the assumption that a part-time worker will arrange an appointment at a time when they are not working.
- (2) 200,000 couples marrying on the authority of civil preliminaries, based on the estimated number of additional weddings (226,600), minus those marrying in a Church of England or Church in Wales ceremony (29,911). All figures are taken from Table 1 above, which estimates the number of weddings under our recommendations, using the central estimate. This produces a figure of 196,689, which has increased to 205,000 to include those Anglican weddings which are preceded by civil preliminaries, the numbers of which will increase as more couples will use civil preliminaries where banns cannot be called. The figure for couples is then doubled, to give the number of individuals who will benefit.

Table 7: Savings from reduced time spent attending interview [£m]⁹³

	Low estimate	Central estimate	High estimate
A. Costs saved by attending in-person interview in a convenient location.	No cost	£60	£120
B. Number of couples marrying on the authority of civil preliminaries (x2)	410,000	410,000	410,000
C. Total cost savings to couples	£0	£24.60m	£49.20m

Annual savings [central estimate] = £24.60m

Present value over 10 years = £204.59m

⁹² ONS, Employee Earnings in the UK: 2021 (26 October 2021) <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2021>. Figure 1: Gross median weekly earnings by employment type, UK, April 2011 to 2021.

⁹³ Where relevant figures rounded to 10.

Anglican preliminaries

According to the Office of National Statistics, in 2019, 28,912 opposite-sex couples married in Church of England or Church in Wales wedding ceremonies.⁹⁴ This figure represents 72.4% of all religious wedding ceremonies in 2018.

Anglican preliminaries: calling the banns

Under Recommendation 13, couples having Anglican weddings will only be required to have banns be called in their parish(es) of residence. Those having banns called may save costs in only having banns called in up to two churches, rather than three. The cost of calling the banns in the Church of England and Church in Wales is detailed in the “fee structure” section above.

Table 8 sets out the estimated total savings to couples marrying in England, on the basis of assumptions detailed below. Given that in Wales there is no separate fee for calling the banns in the parish where the wedding will take place, our recommendation to remove the requirement to call banns in that parish will not necessarily result in savings to couples. Accordingly, we have not included any savings for couples marrying in Wales in Table 8.

Assumptions:

- (1) We estimate 28,326 couples will marry in Anglican weddings in England. This is based on the central assumption in Table 1 that 29,910 couples will marry in Anglican weddings under our recommendations. We have assumed 94.7% will marry in England (28,325) and 5.3% (1,585) will marry in Wales. This is based on the ONS data for 2019 for opposite-sex marriages in England (201,820 representing 94.7% of total opposite-sex marriages) and Wales (11,302 representing 5.3%).⁹⁵
- (2) Most couples will be living in the same parish; the most recent ONS statistics show that 80.1% of both men and women who had a religious marriage cohabited prior to marriage.⁹⁶ Applying a rounded figure of 80%, 22,660 couples in England will be living together prior to their Anglican wedding, and 5,665 couples will not.
- (3) Couples who live in the same parish currently pay £32 for calling the banns once if marrying in the parish where they live, or £80 for calling the banns twice

⁹⁴ ONS, *Marriages in England and Wales: 2019* (19 May 2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019#marriages-in-england-and-wales-data> (last visited 7 July 2022). Worksheet 1b: Number of opposite-sex marriages by year, type of ceremony and denomination, England and Wales, 1837 to 2019.

⁹⁵ ONS, *Marriages in England and Wales: 2019* (19 May 2022). <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019/relateddata>. Worksheet 12a: Number of opposite-sex marriages by area of occurrence, England and Wales, 2019.

⁹⁶ ONS, *Marriages in England and Wales: 2019* (19 May 2022). <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019/relateddata>. Worksheet 11a: Percentage of men and women cohabiting prior to marriage by type of ceremony and age, opposite-sex marriages, England and Wales, 1994 to 2019.

(and a banns certificate) if not marrying in the parish where they live. Under our recommendations:

- (a) Those not marrying in their home parish will now need to call the banns only once and pay £32 rather than £80, saving £48.
 - (b) Those marrying in their home parish will continue to call the banns once and pay £32, making no savings.
- (4) Couples who do not live in the same parish currently pay £80 for calling the banns twice (and a banns certificate) if marrying in the parish where either one of them lives, and £128 for calling the banns three times (and two banns certificates) if not marrying in the parish where they live. Under our recommendations:
- (a) Those not marrying in the home parish of either of the couple will now need to call the banns twice, rather than three times, paying £80 rather than £128, and saving £48.
 - (b) Those marrying in the home parish of one of the couple will continue to call the banns twice and pay £80, making no savings.
- (5) Couples who marry in the parish where they live will not reduce the number of callings of the banns under the recommended reforms, and will not therefore save costs. Our low, central and high figures reflect the number of couples marrying other than where they live, in a range from 25-75% (with a central estimate of 50%).

Table 8: Savings for reduced number of requisite banns [£m]

	Low estimate	Central estimate	High estimate
A. No. of couples marrying in Anglican weddings in England.	28,325		
B. No. of couples marrying in a parish other than where one / both reside. ⁹⁷	7,080	14,160	21,240
C. Savings under our recommendations for couples marrying in a parish other than where one / both reside.	£48		
Total savings for couples under our recommendations (B x C)	£0.34m	£0.68m	£1.02m

⁹⁷ Rounded to the nearest 10.

Annual savings [central estimate] = £0.68m

Present value over 10 years = £5.66m

The wedding ceremony

Requirement for only one registration officer to attend a civil wedding

Under Recommendation 18, only one registration officer needs to attend a civil wedding ceremony.

This may result in fees for some couples being halved, given that fees are set at a level for the local authority to recover its costs. Table 9 below estimates the savings per couple, and the overall savings.

Assumptions:

- (1) Our research prior to consultation indicated that the median attendance fee charge by local authorities for registration officers to attend a Saturday wedding in summer at 2pm is £488, with the lowest figure being £320 and the highest £700. But not all weddings will take place on a Saturday. For those local authorities considered in our original research, the median attendance fee for registration officers to attend a wedding on a Monday to Thursday in summer at 2pm is currently £60 lower than the median attendance fee for a wedding at that time on a Saturday (a 12.8% decrease).
- (2) Figures from ONS show that in 2019, 41.9% of civil weddings took place on a Saturday, being the most popular day ahead of Friday (18.9%).⁹⁸ 33.1% of civil weddings took place on Monday to Thursday.
- (3) Accordingly, we have estimated that the attendance fee for two registration officers to attend a wedding will be £305, £465 or £670 on a low, central or high basis.
- (4) 90.1% of all civil weddings currently take place on approved premises (162,103 out of 179,953 civil weddings), according to the most recent figures available from ONS.⁹⁹
- (5) Applying this percentage, rounded to 90%, to the central estimate for number of civil weddings (48,270, as shown in Table 1), indicates that 43,443 civil weddings will take place in locations other than a register office.

⁹⁸ ONS, Marriages in England and Wales: 2019 (19 May 2022)
<<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019/relateddata>> Worksheet 8: Number of marriages by day and month of occurrence by type of ceremony and marriage type England and Wales, 2019.

⁹⁹ ONS, Marriages in England and Wales: 2019 (19 May 2022)
<<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019/relateddata>> Worksheet 1a: Number of marriages by year, England and Wales, 1837 to 2019.

Table 9: Savings from reduced number of registration officers required attendance [£m]

	Low estimate	Central estimate	High estimate
A. Cost of attendance by a registrar and superintendent registrar under the current law.	£305	£465	£670
B. Cost of attendance by one registration officer under our recommendations (50% of A).	£153	£233	£335
C. Cost savings per couple (A-B).	£153	£233	£335
D. Estimated number of couples marrying in civil weddings outside the register office. ¹⁰⁰	43,440	43,440	43,440
E. Total savings (CxD)	£6.65m	£10.12m	£14.55m

Annual savings [central estimate] = £10.12m

Present value over 10 years = £84.16m

Facilitating low-cost register office weddings

Under Recommendation 54, couples will continue to be able to have a register office wedding; a simple civil ceremony officiated at by a registration officer, for a fee prescribed by regulation. As we have noted, at present the low-cost register office wedding costs £46, a fee set by regulation, but the ceremony is not widely available, and there is evidence that local authorities are charging more than the regulated fee, either directly or by the addition of mandatory extras such as booking fees or wedding certificates.

We have reiterated in our recommendations that local authorities are not permitted and should not, when providing services which they are obliged by statute to provide, and for which the fee for the service is prescribed in regulations, charge couples additional or higher fees, or require a couple to purchase more expensive or additional services. The removal of these non-permissible charges will be a benefit to couples. Furthermore, to give notice online and, at the same time book their in-person interview, should avoid any need for a booking fee.

Recommendation 18 that only one registration officer will need to officiate at a civil wedding will make the register office wedding a cheaper service for local authorities to provide, and they may therefore be in a better position to make the service more widely available. The current requirement that both the superintendent registrar and registrar attend a register office wedding, combined with the regulations which only authorise a fee to be charged for

¹⁰⁰ Rounded to a multiple of 10.

the attendance of the registrar,¹⁰¹ may mean that local authorities are conducting register office ceremonies at a loss.

No requirement for a registration officer at a religious wedding

Recommendation 20 that religious organisations and NRBOs be able to nominate officiants (subject to meeting certain criteria) will reduce the costs incurred as a result of the requirement that a registration officer officiate at a religious wedding where an authorised person is not present. Of the 22,334 certified places of worship registered for opposite-sex weddings,¹⁰² we understand that around 12,000 have at least one authorised person.¹⁰³ It follows that around 10,000 places of worship do not have an authorised person able to ensure the wedding is registered, and will currently need a registration officer to attend any wedding.

Couples marrying using a religious officiant under our recommendations will save the prescribed fee for the attendance of a registration officer at a religious wedding, currently £86.¹⁰⁴ Table 10 below estimates the total savings.

Assumptions:

- (1) 11,033 couples married in religious ceremonies in 2019, according to ONS. Under the current law some of these couples would have required the attendance of a registration officer at their religious wedding.
- (2) There are currently 22,334 certified places of worship registered for opposite-sex weddings, based on the most recent list available from HM Passport Office.¹⁰⁵ In the Consultation Paper, we noted our understanding that around 12,000 places of worship registered for marriage had appointed at least one authorised person.¹⁰⁶ This represents about 55% of the current total registered places of worship; on this basis, approximately 45% of such places of worship will not have an authorised person and will require the attendance of a registration officer.
- (3) We have applied this figure of 45% to the 11,033 couples who currently have religious weddings, to produce our estimate of 4,965 couples who would, under the current law, require the attendance of a registration officer (and who will therefore, under our recommendations, make savings).

¹⁰¹ See Marriage Act 1949, s 45(1); Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

¹⁰² HM Passport Office, Places of worship registered for marriage (17 December 2021) <https://www.gov.uk/government/publications/places-of-worship-registered-for-marriage> (last visited 7 July 2022)

¹⁰³ Consultation Paper, para 5.110.

¹⁰⁴ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

¹⁰⁵ HM Passport Office, Places of worship registered for marriage (17 December 2021) <https://www.gov.uk/government/publications/places-of-worship-registered-for-marriage> (last visited 7 July 2022).

¹⁰⁶ Consultation Paper, para 5.110.

- (4) We have not, for this calculation, used the estimated number of couples who will have religious weddings from Table 1 (45,550), which represents our expectation of a substantial increase in couples who will have a religious wedding, because our recommendations will make it easier to have a legally binding religious wedding. The increase in couples over and above the current number will not make a saving, because they would not have had a religious wedding under the current system.

Table 10: Annual savings from not requiring a registration officer in attendance [£m]

A. No. of couples having a religious wedding who currently require the attendance of a registration officer.	4,965
B. Prescribed fee for the attendance of a registration officer at a religious wedding. ¹⁰⁷	£86
C. Total saving to couples from our recommendations (AxB)	£0.43m

Annual savings [central estimate] = £0.43m

Present value over 10 years = £3.58m

Location

Reduced cost of marrying in currently approved premises

Recommendation 34 that weddings be legally permitted to take place in any location, and that locations should not require pre-approval, will remove the cost to venues of applying for regulatory approval from the local authority. The estimated saving to venues is detailed at Table 13 below. Couples who choose to marry on what are now approved premises will not therefore need to contribute to these regulatory fees as part of the charges made by wedding venues. This should reduce the cost to couples of getting married in such venues.

Any reduction in cost to couples getting married in currently approved premises will benefit the majority of couples getting married; in 2019, according to ONS, 73.7% of all weddings (162,103 couples) took place on approved premises.¹⁰⁸

¹⁰⁷ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

¹⁰⁸ ONS, Marriages in England and Wales: 2019 (19 May 2022) <<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019/relateddata>> Worksheet 1b: Number of opposite-sex marriages by year, type of ceremony and denomination, England and Wales, 1837 to 2019, Worksheet 1c: Number of same-sex marriages by year, type of ceremony and sex, England and Wales, 2014 to 2019.

Lower cost wedding options

Under Recommendation 34, couples will be able to marry in any location agreed by their chosen officiant. This will enable couples to choose lower cost wedding venue options, including options for smaller weddings at community venues, or at home.

As approval fees will no longer be payable, a wider range of venues will be able to host weddings, which will result in greater competition among secular wedding venues.

We anticipate that couples will take advantage of this greater choice of venues to save costs, as well as to have their wedding in a location meaningful to them. Participants in the Nuffield project who had chosen to have non-legally binding ceremonies in village halls or their garden mentioned the expense of marrying in approved premises as one of the reasons for their choice of ceremony.¹⁰⁹ A recent newspaper article also notes the rise in couples choosing informal, lower-cost ceremonies.¹¹⁰

No need for an additional legally recognised wedding

Under Recommendation 34, couples whose religious wedding could not take place at a place of worship, or who did not wish to hold their wedding at a place of worship, will not need to have an additional legally recognised wedding.

Under Recommendations 20 and 23, couples who chose to have a wedding conducted by an NRBO officiant, or an independent officiant, will also no longer need an additional legally recognised wedding and will benefit from saving these costs.

The extent of this saving will depend on the cost of the legally recognised wedding. Some couples may choose to have their legally recognised ceremony on approved premises. Others may opt for a less expensive ceremony in a register office. As discussed in the Report,¹¹¹ the low-cost register office wedding costs £46, a fee set by regulation, but the ceremony is not widely available. Research suggests that some local authorities are charging more than the regulated fee, either directly or by the addition of mandatory extras such as booking fees or wedding certificates. Furthermore, the availability of this register office ceremony is restricted and not widely advertised, and some couples are paying for ceremonies in approved premises within register offices, in the mistaken belief that this is the cheapest option available to them.¹¹² Couples have been reported as paying as much as

¹⁰⁹ R Probert, R Akhtar and S Blake, *When is a wedding not a marriage? Exploring non-legally binding ceremonies: A Briefing Paper for the Law Commission* (2021) para 5.38.

¹¹⁰ F Karim, "Couples say "I do" to informal weddings", *The Times* (18 June 2022).

¹¹¹ Report, paras 12.23 to 12.38.

¹¹² See All-Party Parliamentary Humanist Group, *'Any lawful impediment?': A report of the All-Party Parliamentary Humanists Group's inquiry into the legal recognition of humanist marriage in England and Wales* (2018) p 56; S Pywell, "2 + 2 = £127, if you're lucky" (3 March 2020) *Law Gazette*, <https://www.lawgazette.co.uk/practice-points/2--2--127-if-youre-lucky/5103309.article> (last visited 7 July 2022); R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, "Trying to get a piece of paper from City Hall? The availability, accessibility and administration of the register office wedding" (2022) 44 *Journal of Social Welfare and Family Law* (forthcoming), <https://www.tandfonline.com/doi/full/10.1080/09649069.2022.2067651> (last visited 7 July 2022).

£400 for what they believe to be a basic civil ceremony in a register office (of which £330 was the ceremony fee).¹¹³

The number of couples who will benefit is difficult to quantify. Evidence provided by Humanists UK suggested that their celebrants perform 1,000 Humanist weddings a year. It has been estimated that 10,000 independent celebrant weddings take place each year.¹¹⁴ But the precise number is unknown, since by their nature they are not formally recorded. Under the current law, these couples will need to have an additional legally binding ceremony, as will those couples whose religious wedding could not take place at a place of worship, or who did not wish to hold their wedding at a place of worship, or who could otherwise not have a legally recognised wedding according to their religious beliefs. Statistics from ONS show that in 2019, 17,802 couples had a register office wedding, although this does not include couples who married in rooms in the same building as the register office, or otherwise under local authority control, which had been designated as approved premises. However, some of these couples will have chosen a register office wedding, rather than having one because they needed an additional, legally recognised wedding. Furthermore, other couples who required an additional legally recognised wedding may have chosen to have this on approved premises, rather than in a register office.

Number of couples having an additional legal wedding in the register office

We estimate that 15,000 of the 17,802 couples who currently marry in a register office wedding do so to have an additional legal wedding. Under our scheme, these couples will save on the costs of a register office wedding, which we have calculated at £46 per wedding, the statutory cost of a register office wedding (not including costs of giving notice or a marriage certificate).¹¹⁵

Number of couples having an additional legal wedding on approved premises

Couples also marry on approved premises as an additional legal ceremony. Some may be marrying in a small ceremony room classified as approved premises in the same building as the register office or otherwise under local authority control. Others will combine their legally recognised ceremony and their meaningful, non-legally recognised ceremony on approved premises (such as a hotel or stately home), with both ceremonies taking place on the same day.

We estimate that 117,630 couples who would choose to have a wedding that, currently, cannot be legally binding without an additional legal ceremony on approved premises, will benefit under our scheme. We calculate this number as follows:

- (1) ONS figures show that in 2019, 219,850 couples married (220,000 rounded). We estimate at Appendix 2, in Table 1A, that under our scheme 20.1% of

¹¹³ R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, "Trying to get a piece of paper from City Hall? The availability, accessibility and administration of the register office wedding" (2022) 44 *Journal of Social Welfare and Family Law* (forthcoming), <https://www.tandfonline.com/doi/full/10.1080/09649069.2022.2067651> (last visited 7 July 2022).

¹¹⁴ S Pywell, "The day of their dreams: celebrant-led wedding celebration ceremonies" [2020] *Child and Family Law Quarterly* 177, 181.

¹¹⁵ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

couples will choose to have a religious wedding, 22.6% of couples will choose to have a non-religious belief ceremony, and 22.6% will choose to have a wedding officiated at by an independent officiant. Applying these percentages to the number of couples marrying in 2019 gives 44,220 couples who would choose to have a religious wedding, 49,720 couples who would choose to have a non-religious belief wedding, and 49,720 couples who would choose to have a wedding officiated by an independent celebrant. This totals 143,660 couples.

- (2) Of that 143,660, we estimate 15,000 couples marry in register office ceremonies to have an additional legally binding ceremony, as detailed above.
- (3) 11,033 couples already marry in religious ceremonies (2019 ONS total religious weddings figure for opposite-sex weddings, less number of Anglican opposite-sex weddings, together with the small number of same-sex religious weddings). Some of these couples will save on the cost of attendance of a registration officer in the absence of an authorised person; this has been calculated at Table 10 above.
- (4) Deducting these two categories of couples results in a total of 117,627 couples (rounded to 117,630). This is the number that we estimate will save from the need to no longer have an additional legally binding ceremony on approved premises, and in particular, will not need to pay for the attendance of two registration officers at their wedding.

Total cost savings for couples no longer requiring an additional legally recognised wedding are shown in Table 11 below.

Assumptions:

- (1) The estimated fees do not include the costs of giving notice (£35 for each member of a couple, assuming both are relevant nationals), or of a marriage certificate (£11).¹¹⁶
- (2) For couples marrying in a register office, the statutory fee of £46 for a register office wedding is used.
- (3) For couples marrying outside a register office:
 - (a) The low estimate is the statutory fee for a register office wedding. Recent research notes that some local authorities continue to offer this £46 ceremony in former register offices (now approved premises), although most do not.¹¹⁷

¹¹⁶ Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

¹¹⁷ R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, "Trying to get a piece of paper from City Hall? The availability, accessibility and administration of the register office wedding" (2022) 44 *Journal of Social Welfare and Family Law* (forthcoming), <https://www.tandfonline.com/doi/full/10.1080/09649069.2022.2067651> (last visited 7 July 2022).

- (b) The high estimate is the ceremony fee reported by one participant in the same recent research who erroneously believed they had married in a “basic” register office wedding.¹¹⁸
- (c) These figures are lower than the attendance fees for registration officers shown in Table 11 above, for couples who choose to have a civil wedding under our new scheme. We have assumed that couples who are having an additional legally binding ceremony will be concerned to save costs where possible, as this is not their meaningful ceremony, and would therefore be likely to marry at a cheaper time; our research prior to consultation noted that in general, local authorities tended to charge an ascending scale of fees for Monday to Thursday, Friday, Saturday, Sunday, and bank holidays and national holidays.

Table 11: Savings to couples not having an additional legal wedding.

	Low estimate	Central estimate	High estimate
A. Statutory cost of a register office wedding.	£46	£46	£46
B. Estimated number of couples having an additional register office wedding.	15,000	15,000	15,000
C. Cost saving of couples no longer having an additional legal wedding in the register office (AxB)	£0.69m	£0.69m	£0.69m
D. Estimated cost of an additional legally binding ceremony outside the register office.	£46	£150	£330
E. Estimated number of couples saving on need to have an additional legal wedding outside the register office. ¹¹⁹	117,630	117,630	117,630
F. Cost saving of couples no longer having an additional legal wedding outside the register office (DxE)	£5.41m	£17.64m	£38.82m
G. Total cost saving (C+F)	£6.10m	£18.33m	£39.51m

Annual savings [central estimate] = £18.33m

¹¹⁸ R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, “Trying to get a piece of paper from City Hall? The availability, accessibility and administration of the register office wedding” (2022) 44 *Journal of Social Welfare and Family Law* (forthcoming), <https://www.tandfonline.com/doi/full/10.1080/09649069.2022.2067651> (last visited 7 July 2022).

¹¹⁹ Rounded to a multiple of 10.

Present value over 10 years = £152.44m

Modernising the legal system

Reform would have the benefit of modernising the legal system. Although this benefit might seem abstract, bringing the law up to date so that it meets the wishes and beliefs of couples who wish to get married can help to ensure that the law remains relevant.

Respecting choice

Greater ceremonial choice

Under Recommendations 29 and 30, all ceremonies will be conducted according to the form and ceremony agreed between the couple and the officiant, with the main requirement of any valid wedding ceremony that each of the parties consent to the marriage. Under Recommendation 32, religious elements would be permitted during civil ceremonies, although the ceremony would be required to be identifiable as a civil ceremony. Couples will have freedom to have a wedding ceremony that reflects their beliefs and what is meaningful to them.

Facilitating couples to be legally married

Our recommendations as a whole also make it easier for religious weddings to comply with the legal requirements.

For couples whose weddings do not comply with legal requirements, Recommendations 37, 38 and 39 make it more likely that a marriage will be void rather than non-qualifying, thereby enabling a court to make the same financial orders as it could upon divorce. Of particular importance is Recommendation 37, that a marriage will be classified as void as long as at least one of the couple believes that the person officiating at the ceremony is authorised by law to do so, even if no other requirements have been fulfilled. This marks a significant change from the current law, under which such a ceremony would be non-qualifying. This will particularly help protect those who unwittingly enter a religious-only marriage without realising it is not legally binding. However, it will still be open to couples to have a non-qualifying ceremony if they wish to do so; for example, a couple who wish to have a religious ceremony before cohabiting, but do not wish to be legally married.

Encouraging couples to marry

A law that gives couples more choice about how they get married, including providing couples with more low-cost options (under Recommendations 34 and 54) and options that allow them to express themselves with a wedding that is meaningful for them (under Recommendations 29, 30 and 32) may also enable – and encourage – some cohabitants to get married.

It seems possible that giving greater freedom to couples to choose lower cost, but still meaningful, venues might remove the cost barriers preventing some cohabiting couples from marrying. Studies have found that some couples delay getting married because of the real or perceived expense of weddings, with many couples wanting what they see as a “proper”

wedding outside the register office.¹²⁰ Changing the range of options as to where people can get married has the potential to change this attitude.¹²¹

In a briefing paper presenting the findings from a Nuffield-funded project exploring non-legally binding wedding ceremonies, it was said

the cost of having a wedding on approved premises emerged as a major factor in the decision of a number of couples to have a non-legally binding ceremony before or after their (generally smaller) legal wedding. Couples saved costs by not paying the additional fee for registration officers to come out to approved premises, opting for venues that were not approved, or holding the ceremony at home.¹²²

A survey of 2,000 young unmarried adults aged 18 to 30 commissioned by the Marriage Foundation in 2021 found that:

- (1) 29% said they would be more likely to expect to get married if wedding costs were cheaper.
- (2) Of those in a relationship (just under half of the total surveyed), 28% of women and 21% of men cited 'wedding cost' as a reason why they were not currently married.¹²³

The Marriage Foundation's survey referred to "the Marriage Gap", the gap between those who want to marry, those who expect to marry and those who do marry; it suggests that this gap varies by social class. The 2021 study further noted that:

- (1) Among the 585 adults who said they were more likely to marry if weddings were cheaper, 87% wanted to marry at some point, with the figures ranged from 91% among the top social class ('higher managers') to 80% among the lowest class ('casual labourers').
- (2) Among this same group of 585 adults, 75% expected to marry, ranging from 88% in the top class to 67% in the lowest class.

The Marriage Foundation suggest that this demonstrated "compelling evidence that the cost of the wedding – and not lack of desire to marry – is a serious barrier to marriage for all except the top social classes".¹²⁴

¹²⁰ See eg J Eekelaar and M Maclean, "Marriage and the Moral Bases of Personal Relationships" (2004) 31 *Journal of Law and Society* 510; S Duncan, A Barlow and G James, "Why don't they marry? Commitment and cohabitation in 21st century Britain" [2005] *Child and Family Law Quarterly* 383.

¹²¹ R Probert, "A uniform marriage law for England and Wales?" [2018] *Child and Family Law Quarterly* 259, 267.

¹²² The study engaged 170 participants who had conducted or had a non-legally binding wedding ceremony: see R Probert, R Akhtar and S Blake, *When is a wedding not a marriage? Exploring non-legally binding ceremonies. A Briefing Paper for the Law Commission* (December 2021) p 146.

¹²³ H Benson, *Wedding Costs and the Marriage Gap* (May 2021) <https://marriagefoundation.org.uk/research/wedding-costs-and-the-marriage-gap/> (last visited 7 July 2022).

¹²⁴ H Benson, *Wedding Costs and the Marriage Gap* (May 2021) <https://marriagefoundation.org.uk/research/wedding-costs-and-the-marriage-gap/> (last visited 7 July 2022).

Non-financial benefits of marriage

Facilitating more couples to get married may also bring significant non-financial benefits. In one study, participants in focus groups spoke of the importance of a wedding as “a public declaration of love and commitment”, it being a promise not only to the other person but also to the wider community.¹²⁵ Marriage was generally seen as contributing to emotional and psychological security and involving a higher level of commitment.

Of course, individual experiences of marriage and cohabitation will vary considerably. There will be marriages that are short-lived and a profoundly negative experience for the couple, and cohabiting relationships that are life-long and a source of great happiness and support. Nonetheless, large-scale longitudinal studies also suggest that marriage is associated with benefits to the health and happiness of the couple, the stability of their relationship, and positive outcomes for their children.¹²⁶ One recent study details how “the happiest individuals marry”.¹²⁷ Cohabiting relationships tend to be shorter than marriages and are more prone to breakdown.¹²⁸ Research has also shown that

cohabitators with happier relationships were much quicker to marry, suggesting that marriage continues to represent the preferred type of relationship for the British population.¹²⁹

Research findings indicate that marriage is associated with the best outcomes for children: while these more positive outcomes can to some extent be explained by the characteristics of those who marry, rather than the mere fact of marrying, some benefits do seem to persist even after such factors are taken into account.¹³⁰

Married couples in the UK also have better self-reported health than cohabitants, although these benefits were linked to the duration of the relationship and whether a previous relationship had broken down.¹³¹ Married couples reported higher levels of subjective well-being: this was more pronounced among women than among men and seems to have been

¹²⁵ A Berrington, B Perelli-Harris and P Trevena, “Commitment and the changing sequence of cohabitation, childbearing and marriage: Insights from qualitative research in the UK” (2015) 33 *Demographic Research* 327, 342; see also J Carter and S Duncan, “Wedding paradoxes: individualized conformity and the ‘perfect day’” (2016) 65 *The Sociological Review* 3.

¹²⁶ As the terminology of “association” suggests, it is not clear that marriage causes these benefits. Such benefits may result from the characteristics of those who marry, for example their age, socio-economic status, etc.

¹²⁷ B Perelli-Harris and N Blom, “So happy together... Examining the association between relationship happiness, socio-economic status, and family transitions in the UK” (2021) *Population Studies* 1.

¹²⁸ B Wilson and R Stuchbury, “Do partnerships last? Comparing marriage and cohabitation using longitudinal census data” (2010) 139 *Population Trends* 37.

¹²⁹ B Perelli-Harris and N Blom, “So happy together... Examining the association between relationship happiness, socio-economic status, and family transitions in the UK” (2021) *Population Studies* 13.

¹³⁰ A Goodman and E Greaves, *Cohabitation, marriage and child outcomes: IFS Commentary C114* (2010); C Crawford, A Goodman, E Greaves and R Joyce, *Cohabitation, marriage, relationship stability and child outcomes: an update: IFS Commentary C120* (2011).

¹³¹ B Perelli-Harris, S Hoherz, F Addo, T Lappegård, A Evans, S Sassler and M Styrk, “Do Marriage and Cohabitation Provide Benefits to Health in Mid-Life? The Role of Childhood Mechanisms and Partnership Characteristics Across Countries” (2018) 37 *Population Research and Policy Review* 703.

the result of the quality of the relationship.¹³² Marriage was also associated with positive mental health outcomes for more disadvantaged women: as the authors note, such benefits may be because

marriage generally provides a more secure and stable environment through legal protection..., greater social recognition of the relationship and higher levels of commitment expressed through a public vow..., all of which could in turn provide greater well-being.¹³³

This is not a reason for privileging marriage – since conferring greater legal rights on cohabitants might also bring similar benefits through increasing legal protection and social recognition – but it is a reason for thinking about how best to enable couples who would prefer to get married to express their commitment publicly in a form that is meaningful to them.

Area 2: Officiants and nominating bodies

ONGOING COSTS

Authorisation, training and monitoring costs

Under Recommendations 19, 20, 23 and 25, there will be an ongoing cost to nominating bodies to provide training and support to officiants and to monitor them, to nominating bodies to nominate officiants, to independent officiants in applying for authorisation, to independent officiants in training etc. As set out in the section on transitional costs, we do not consider we are in a position to estimate these costs, which will depend largely on the levels of fees set by the General Register Office for authorisation and the provision of training.

Anglican churches: loss of fees for calling the banns

Recommendation 13 will require that banns be called only in the couple's parish(es) of residence. The costs saved by couples in having the banns called in up to two churches, rather than three, will have a corresponding cost to Anglican churches, who will be able to charge fewer fees for calling the banns. There will be a corresponding saving to Anglican churches in time and costs incurred in arranging for the banns to be called.

The following table sets out the estimated total loss to Anglican churches, on the basis of assumptions detailed below. It mirrors Table 8 above. The assumptions on which the figures below are based are detailed in the assumptions to Table 8.

¹³² B Perelli-Harris, S Hoherz, T Lappegård and A Evans, "Mind the 'Happiness' Gap: The Relationship Between Cohabitation, Marriage and Subjective Well-being in the United Kingdom, Australia, Germany, and Norway" (2018) 56 *Demography* 1219.

¹³³ B Perelli-Harris and M Styrz, "Mental Well-Being Differences in Cohabitation and Marriage: The Role of Childhood Selection" (2017) 80 *Journal of Marriage and Family* 239, 251.

Table 12: Annual loss in revenue to Anglican churches [£m]

	Low	Central	High
A. No. of couples marrying in Anglican weddings in England.	28,325		
B. No. of couples marrying in a parish other than where one / both reside.	7,080	14,160	21,240
C. Savings under our recommendations for couples marrying in a parish other than where one / both reside.	£48		
Total cost to Anglican churches in England in lost banns fees under our recommendations (B x C)	£0.34m	£0.68m	£1.02m

Annual cost [central estimate] = £0.68m

Present value over 10 years = £5.66m

Benefits

Transitional benefits

None identified.

Ongoing benefits

No fees for registering places of worship

Under the current law, any building other than a Church of England church or chapel, that is used as a meeting place for religious worship may be certified as such to the Registrar General, upon payment of the fee set by regulation (currently £29).¹³⁴ Once the building has been certified, application can be made for it to be registered by the Registrar General for opposite-sex weddings, same-sex weddings, or both.¹³⁵ A fee is payable; this is set by regulation, and currently £123, or £64 to extend an existing registration to same-sex or opposite-sex weddings.¹³⁶

¹³⁴ Places of Worship Registration Act 1855, s 5; Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1.

¹³⁵ Marriage Act 1949, ss 41 and 43A. The application may be made at the same time as the application for it to be certified as a place of worship, and must similarly be made to the superintendent registrar of the registration district in which the building is situated: General Register Office, *How to Certify a Building for Religious Worship and Register for the Solemnization of Marriages*, p 2.

¹³⁶ Marriage Act 1949, s 71A(1)(c); Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (SI 2016 No 911), sch 1. The registration fee is always additional to the certification fee, even where the two processes happen at the same time.

Under Recommendation 34, there will be no need for certified places of worship to be registered to conduct weddings, meaning that places of worship which are not currently registered will not need to register, saving the fee.

Anglican preliminaries: saved administrative costs

Recommendation 13, by making Anglican preliminaries clearer and simpler, will result in a saving in the time spent by Anglican clergy and parish administrators in dealing with preliminaries, resulting in saved administrative costs.

Officiants providing belief weddings for their community

An important non-monetised benefit of our recommendations (particularly Recommendations 29, 30 and 34) is that it provides officiants with the ability to offer legally binding weddings that reflect the religious or non-religious beliefs of the group to which they belong, and the couples they are serving.

Officiants and non-qualifying ceremonies

Under our scheme, officiants will be able to conduct non-legally binding ceremonies for couples who want them. The officiant must communicate clearly with the couple that the ceremony will have no legal effect.

Area 3: Businesses (primarily venues hosting wedding ceremonies)

ONGOING COSTS

Sunk costs

Under Recommendation 34, venues will no longer need to become approved premises under our scheme. Accordingly, the fees which have been spent on approving premises for a minimum period of three years will be lost. However, this is the cost and risks of undertaking entrepreneurship.

The sunk cost of obtaining approval for premises will have disproportionately affected small and medium-sized enterprises (SMEs). We estimate that based on our median figure of £1,500 approval fee, and the statutory minimum length of an approval of 3 years (our research indicates this is the usual length for an approval), SME approved wedding venues will have lost between £500 to £1,500 wasted costs, depending on the length of the approval period remaining. We have not included these sunk costs in our cost / benefit analysis; however, the ongoing benefit to businesses from the removal of these regulatory costs of approval is included as a benefit at Table 13 below.

Businesses may also have incurred costs in making required improvements to premises to obtain approval. However, they will retain the benefit of the improved premises.

Benefits

Transitional benefits

None identified.

Ongoing benefits

Three potential impacts on weddings venues from our recommendations are:

- (1) lower costs for all businesses and increased opportunities for small businesses,
- (2) more competition among businesses, and
- (3) growth in business due to more weddings taking place in England and Wales.

Reducing costs for businesses and increasing opportunities for small businesses

Regulatory costs for hosting weddings as a venue will be reduced or eliminated

Under Recommendation 34, to host legal weddings, businesses and other venues will not need to obtain the approval of the local authority. This recommendation will eliminate the fees venues must pay when applying for and renewing approval under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005¹³⁷ (“Approved Premises Regulations”) and any costs that venues need to incur to comply with the requirements of the Regulations or the conditions of approval. Instead officiants will be responsible for considering whether the venue is safe and dignified for the particular wedding, a process we anticipate will be less regulatory and cheaper.

Assumptions:

- (1) There are currently approximately 7,426 approved premises, according to the most recent list from HM Passport Office.¹³⁸
- (2) The median fee paid by a venue to the local authority to apply to become approved premises is £1,500, based on our research at the time of the Consultation Paper; this forms our central estimate.¹³⁹ The low and high estimates represent the lowest and highest fees noted by our research.

Table 13: Annual savings of reduced regulatory costs [£m]

	Low estimate	Central estimate	High estimate
A. Number of approved premises. ¹⁴⁰	7,430		

¹³⁷ SI 2005 No 3168.

¹³⁸ HM Passport Office, Civil marriages and partnerships: approved premises list (9 October 2018) <https://www.gov.uk/government/publications/civil-marriages-and-partnerships-approved-premises-list> (last visited 7 July 2022). This figure differs from that given in the Consultation Paper, which erroneously calculated the total number of premises from the HM Passport Office list of approved premises.

¹³⁹ Consultation Paper, para 7.61.

¹⁴⁰ Rounded to the nearest 10.

B. Fee across England and Wales for approving a premises for weddings. ¹⁴¹	£50	£1,500	£3,210
Saving (A x B)	£0.38m	£11.14m	£23.84m

Responses to our Consultation Paper highlighted how the cost of approval could be prohibitive. One venue which was a “relatively new business” found that they were losing over 50% of potential customers (equating to 20 to 30 weddings per annum) due to their inability to offer a licensed venue. The cost had deterred the venue from applying to be approved despite the venue being popular with couples for non-legally binding ceremonies. Under our recommended scheme venues will also be able to take advantage of being the site of weddings on an ad hoc basis, hosting a wedding as a one-off event if so desired.

Annual savings [central estimate] = £11.14m

Present value over 10 years = £92.65m

Removing barriers for new entrants to the market

In Recommendation 34, we recommend eliminating the rules preventing outdoor and private locations from being able to host wedding ceremonies, which prevent some venues from being able to be approved.

Eliminating the costs of obtaining approval will increase competition among venues. In particular it will facilitate smaller businesses, or businesses which do not specialise in weddings, to host weddings. These reforms would also make the law more efficient, reducing the costs of doing business for venues. Industries, such as catering, flowers and decorations, clothing, photography, and other ancillary services would also benefit if reform led to an increase in weddings and so an expansion of the market.

To inform its contributions to our pre-consultation event with wedding venues, Bridebook.co.uk conducted a survey of wedding venues in 2019, which it shared with us. In it, 29% of venues who responded thought that the costs of approval under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005¹⁴² were too high. Some noted that the costs prevented their venue from being approved or otherwise impacted their business.¹⁴³ Other venues responding to the Bridebook.co.uk survey specifically commented that the requirement for approval of each room where the ceremony might be held imposed an onerous cost.¹⁴⁴

¹⁴¹ £51, rounded to the nearest 10.

¹⁴² SI 2005 No 3168.

¹⁴³ Bridebook.co.uk, *UK Wedding Industry Law Review Report* (October 2019) p 20 <https://docsend.com/view/qzfsn8vgwy6uw67g> (last visited 7 July 2022).

¹⁴⁴ Bridebook.co.uk, *UK Wedding Industry Law Review Report* (October 2019) p 20 <https://docsend.com/view/qzfsn8vgwy6uw67g> (last visited 7 July 2022).

Reducing lost income for venues who have been affected by the unavailability of registration officers to officiate at weddings

The current requirement to send two local authority employees might be impinging on the availability of registration officers to attend weddings on approved premises. Some venues responded to the Bridebook.co.uk survey on this point, commenting that couples' inability to book registration officers in their district was affecting their businesses.¹⁴⁵

Recommendation 18 that only one registration officer will be legally required to attend a civil wedding will likely increase the availability of registration officers. The availability of registration officers will also be helped by the fact that religious officiants will be able to conduct weddings on such premises, where they wish to do so, without requiring the attendance of a registration officer. Demands on registration officers' time will further be reduced by independent officiants officiating at civil weddings and by couples who would previously have had a civil wedding being able to have a wedding officiated by an officiant nominated by a non-religious belief organisation. Lost income for venues who have been affected by the unavailability of registration officers to officiate at weddings will be reduced. Also, by only requiring one registration officer to attend civil weddings, Recommendation 18 will help address the backlog of weddings caused by the Covid-19 pandemic.¹⁴⁶

More competition amongst businesses

Under the current law, approved premises get an obvious benefit from approval, in the form of an advantage over venues that are not approved within the local authority district. Recommendation 34 will remove that competitive advantage, opening up the market and increasing competition within the wedding venue industry.

However, it may not be that those venues which are currently approved lose business under our recommended scheme. The types of couple who are most likely to take advantage of lower-cost options will be those who are currently having a register office wedding and then a reception at home or in a modest (unapproved) venue, or who are not marrying at all. We expect that many couples will continue to choose to have their wedding ceremony at a venue that specialises in weddings and can provide a full service both for the ceremony and reception.

Even under the current law, couples having a religious service often choose to have it at premises approved for civil weddings. Moreover, our recommendation to allow religious weddings to take place anywhere may result in more couples having a religious wedding in venues that can combine the ceremony and the reception. Bridebook.co.uk's 2018 survey highlighted that 60% of couples choose to have their wedding ceremony at the same venue as their wedding reception; 27% of couples had their ceremony at a place of worship, and so generally had to host their reception at a different venue.¹⁴⁷

¹⁴⁵ Bridebook.co.uk, *UK Wedding Industry Law Review Report* (October 2019) pp 18 and 21 <https://docsend.com/view/qzfsn8vgwy6uw67g> (last visited 7 July 2022).

¹⁴⁶ The 2022 Bridebook survey details how the Covid-19 pandemic has caused 33% of weddings to be delayed with couples being forced to marry later than originally planned: see Bridebook.co.uk, *The UK Wedding Report 2022* (2022) p 37 <https://docsend.com/view/keeh29qj3thk7r7a> (last visited 7 July 2022).

¹⁴⁷ Bridebook.co.uk, *Bridebook Wedding Report 2018* (2018) <https://bridebook.com/uk/article/bridebook-wedding-report-2018> (last visited 8 July 2022).

Area 4: The economy as a whole

ONGOING COSTS

None identified.

Benefits

Transitional benefits

None identified.

Ongoing benefits

England and Wales as a wedding destination

Increasing the numbers of overseas couples having weddings in England and Wales

Our recommendations will increase the number of weddings that take place in England and Wales by making this jurisdiction a more attractive choice. Our recommended scheme would bring the law of England and Wales in line with the laws of its close neighbours, such as Scotland, and with other common law jurisdictions such as Australia and Canada. This will benefit other businesses as well as wedding venues, for example the tourism industry, with corresponding benefit to the economy as a whole.

In Scotland, where couples have a wider choice of locations to marry and NRBOs can nominate officiants, 3.8% of weddings were between non-UK couples in 2019.¹⁴⁸ We have not attempted to quantify the number of overseas couples who will choose to marry in England and Wales as consequence of our recommended scheme, but we think the example of Scotland is a useful comparison.

Couples marrying in England and Wales rather than abroad will produce a financial benefit to the economy. Recent surveys (not taking into account the COVID-19 pandemic) suggest that the average cost of a wedding is between £16,005¹⁴⁹ and £17,300¹⁵⁰ (excluding the cost of an engagement ring and honeymoon).

¹⁴⁸ National Records of Scotland, *Marriages and Civil Partnership - Time Series Data* (July 2021) Table MT.04: Marriages in Scotland, by country of residence of parties, 1974 to 2020.

¹⁴⁹ Bridebook.co.uk surveyed nearly 3,000 respondents who were married in 2018 and 2019. The average amount couples spent on a wedding in the United Kingdom was £16,005, rising to £20,731 when including an engagement ring and honeymoon: see Bridebook.co.uk, *The UK Wedding Report 2020* (2020) p 8 <https://docsend.com/view/s7yqx44> (last visited 7 July 2022).

¹⁵⁰ Hitched's National Weddings Survey 2021 surveyed 2,064 couples who married in 2021 to establish the average cost of a wedding: see Z Burke, "The National Wedding Survey: the average UK wedding in 2021" (2022) <https://www.hitched.co.uk/wedding-planning/organising-and-planning/average-uk-wedding/> (last visited 7 July 2022).

Reducing number of couples resident in England and Wales having weddings elsewhere

Reform will allow England and Wales to retain more of its couples who might leave to get married, including some who go to Scotland, Ireland or Northern Ireland, with corresponding benefits for the economy as a whole.

According to ONS, around 90% of the estimated 71,000 United Kingdom residents who went abroad to get married in 2019 marry residents of England and Wales.¹⁵¹ On this basis, we have assumed 31,950 couples from England and Wales marry abroad every year.

Many of these couples will be intending to have a “destination wedding”, but we consider it likely that a modest number will instead choose to remain in England and Wales, on the basis that a wedding under the scheme we recommend will better reflect their preferences.

In addition to the UK residents going abroad to get married, couples from England and Wales currently marry in local destinations; in 2019 there were 4,944 weddings in Scotland from other parts of the UK, 403 in Northern Ireland and 1,094 in Ireland.¹⁵² The weddings laws of these destinations permit a wider range of wedding locations than under the current law of England and Wales, and weddings can be conducted by officiants from religious and NRBOs, as described in the Report.¹⁵³

We consider that if our recommendations are implemented, weddings law in England and Wales will allow at least as much choice in terms of locations and officiants as in these local jurisdictions. Indeed, England and Wales will offer more choice in terms of officiants than Scotland (where NRBO officiants are permitted, but not independent officiants).

We have not attempted to quantify the number of couples currently choosing to marry abroad, and those who currently marry in local jurisdictions, who will instead choose to marry in England and Wales.

Couples marrying in England and Wales rather than abroad or in local jurisdictions will produce a financial benefit to the economy. As detailed above, the average cost of a wedding is between £16,005¹⁵⁴ and £17,300¹⁵⁵ (excluding the cost of an engagement ring and honeymoon).

Weddings on cruise ships

Under Recommendation 48, more cruise ships may register in the United Kingdom, particularly those vessels whose home port is Southampton. Carnival UK stated that being

¹⁵¹ ONS, *Marriages in England and Wales QMI* (19 May 2022).

¹⁵² See “England and Wales as a wedding destination”, in the section of this Impact Assessment listing problems under consideration.

¹⁵³ Report, para 1.39.

¹⁵⁴ Bridebook.co.uk surveyed nearly 3,000 respondents who were married in 2018 and 2019. The average amount couples spent on a wedding in the United Kingdom was £16,005, rising to £20,731 when including an engagement ring and honeymoon: see Bridebook.co.uk, *The UK Wedding Report 2020* (2020) p 8 <https://docsend.com/view/s7yqx44> (last visited 7 July 2022).

¹⁵⁵ Hitched’s National Weddings Survey 2021 surveyed 2,064 couples who married in 2021 to establish the average cost of a wedding: see Z Burke, “The National Wedding Survey: the average UK wedding in 2021” (2022) <https://www.hitched.co.uk/wedding-planning/organising-and-planning/average-uk-wedding/> (last visited 7 July 2022).

able to conduct legally binding weddings at sea is a considerable factor in determining where to register their cruise ships. It informed us that, of 282 weddings conducted in 2019, 90% of those on board P&O ships, and 70% on board Cunard ships, were guests from the United Kingdom. If the domestic law were reformed to allow marriages on cruise ships, the United Kingdom register might be particularly competitive as compared to jurisdictions which do not allow same-sex weddings.¹⁵⁶

The revenue to cruise companies from weddings can be significant. The Department for Transport has shared data with us that suggests that, for example, one major cruise company made £4.4 million from weddings in 2018.

The size of the United Kingdom's shipping fleet may also increase, with corresponding fiscal and non-fiscal benefits.

Increased revenue from weddings in England and Wales

Recommendation 34 will permit a wedding to take place anywhere, including outdoors, in a private venue such as a home or on a military site, and on inland, coastal and territorial waters. Combined with other recommendations, including Recommendation 1 to end the seven-day residency requirement and Recommendation 2 to allow initial notice to be given online, there is potential for increased revenue for the weddings industry.

Whilst we have not attempted to monetise the industry benefit we think it helpful to provide an illustrative example of its growth potential. This will have economy-wide effects, for example, through increased spending and employment specifically within the small business sector. Even a small 0.5% increase in the number of weddings (1,100) would yield an additional annual revenue stream of £17.60m - £19.03m based on the estimated £16,005 - £17,300 average cost of a wedding.

Clarity and accuracy

Recommendations 37, 38 and 39 make clear the circumstances in which a marriage will be void or a ceremony non-qualifying. This provides clarity of the law and will result in fewer instances where it is uncertain whether a marriage is void or a ceremony non-qualifying, resulting in fewer such cases coming before the courts.

Modernising the legal system

The fundamental structure and rules of the current law date from the 18th and 19th centuries, when virtually everyone lived, married and died within a single community, and most people shared the same faith and beliefs. The law concerning weddings was devised to reflect a way of life that bears little resemblance to life today. Our recommendations will modernise the law, creating a system that reflects the way people live and choose to get married today.

¹⁵⁶ For example, Carnival Corporation spoke publicly against an amendment to the law in Bermuda which prevented same-sex marriage, as it precluded the company from conducting legal same-sex weddings on vessels registered in Bermuda (see S Calder, "Bermuda same-sex marriage repeal means some cruise ships can't host gay weddings" (8 February 2018) *The Independent*). The legislation preventing same-sex marriages in Bermuda has recently been upheld by the Privy Council (*Attorney General for Bermuda v Ferguson* [2022] UKPC 5), which allowed the Government's appeal against the striking down of the legislation by the Court of Appeal and Supreme Court of Bermuda.

Area 5: Local authorities and the General Register Office

Ongoing Costs

Lost revenue: approved premises

Local authorities will no longer receive fees from approving premises or renewing that approval. Under the Approved Premises Regulations, fees charged must not exceed the amount which reasonably represents the costs incurred or likely to be incurred in respect of the application or renewal (or the average costs incurred, if a fee is set for applications generally or of a particular class).¹⁵⁷ Local authorities will no longer incur the administrative or staffing costs associated with approval of premises.

As such, there will be no loss to local authorities from our recommendation that weddings be able to take place in any location.

Lost revenue: fees for attendance of registration officers

Local authorities will no longer be able to charge couples a fee for the attendance of the superintendent registrar and registrar at a wedding outside the register office, as only one registration officer will be required to attend. Under the Approved Premises Regulations, local authorities can charge a fee that reasonably represents the costs of the attendance of the superintendent registrar and registrar.¹⁵⁸ Local authorities will no longer incur the administrative or staffing costs associated with the attendance of a second registration officer at such weddings.

As such, there will be no loss to local authorities from our recommendation that only one registration officer be required to attend a wedding outside the register office.

Benefits

Transitional benefits

None identified.

Ongoing benefits

Local authorities

Fees to agree a location

Recommendation 55 provides that there should be a power for a fee to be charged for registration officers considering whether a location is safe and dignified, but whether that fee is prescribed by regulations or determined by local authorities is a matter for Government to determine.

¹⁵⁷ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), reg 12(1), 12(2) and 12(3)

¹⁵⁸ Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005 No 3168), reg 12(6).

Table 4 above estimates the cost of a registration officer agreeing a location, which will correspond to the overall fees generated for local authorities through these charges.

However, local authorities will also incur costs in providing this service (for example, administrative costs, and visits to a location). It is also possible that these fees may be prescribed by regulation as being able to be set on a cost-recovery basis, in a similar way to the current provisions for local authorities to charge fees for attendance of registration officers at weddings outside the register office, and fees for approval of approved premises.

For the purpose of this Impact Assessment we have assumed that fees generated will balance out the costs incurred by local authorities in approving locations for weddings.

Eliminate losses from providing register office weddings

Local authorities have the improved capacity to provide register office weddings where they are currently impeded from doing so due to the inability to charge for superintendent registrar's attendance.

We have noted above that such ceremonies are not presently widely available. In 2019, only 17,802 couples had a register office wedding.

Improved efficiency in service delivery

Local authorities will benefit from improved efficiency in delivering services, due to the initial phase of notice being given online under our recommendations.

Area 6: A new national emergency

COSTS

Transitional costs

There would be legislative costs associated with producing secondary legislation to implement our recommended emergency provisions.

Ongoing costs

None identified.

BENEFITS

Transitional benefits

None identified.

Ongoing benefits

In 2020 Confetti and the National Wedding Show conducted a survey of 4,494 brides and grooms to explore the impact of the COVID-19 pandemic. The survey details that around 44% of the couples had planned to get married in 2020 and 98% of these couples had to

cancel or reschedule their wedding to another date.¹⁵⁹ The UK Weddings Taskforce state that over 264,000 weddings were postponed due to the pandemic in 2020.¹⁶⁰

Benefits of our general scheme

The general scheme that we recommend for weddings, including the recommendations detailed above, will address some of the problems that arose during the Covid pandemic.

Preliminaries

Under Recommendations 2 and 3, individuals will not have to travel to a register office to give their initial notice and so start the waiting period, or to view notices of marriage. These services could remain available even when register offices are closed.

Location

Under Recommendation 34, weddings will be permitted in open spaces which are not linked to and within the same property boundary of a building, such as meadows and hilltops. Because the location of the wedding does not need to be identified on the schedule or marriage document, our reforms will make it easier to switch to a location that minimises the risk of infection or other harm to those attending, for example switching from an indoor to an outdoor location.

Ceremonies

Under Recommendation 18, only civil weddings will need to be attended by a registration officer; belief weddings will be officiated by belief officiants. This rule will also apply to weddings involving people who are terminally ill, housebound or detained.¹⁶¹ This reform will reduce the number of people who are needed to be present for many belief weddings, as the person celebrating the marriage can be authorised as the officiant, and will allow weddings to go ahead where registration officers are not available.

Benefits to couples

Our general scheme, and the emergency provisions under Recommendation 52, would give couples the option to celebrate their wedding in a time of national emergency. It is likely that many couples would prefer to defer their wedding until after the emergency. However, those who wished to marry would be able to do so. This would particularly benefit couples whose religious or other beliefs do not permit them to cohabit before marriage, or those who wish to marry before having children; the pandemic had a particular effect on such couples.¹⁶² It will also benefit couples who consider that the greater risk of death resulting from the emergency

¹⁵⁹ Z Burke, "UK's largest wedding survey examines impact of Covid-19 pandemic on couples" (6 November 2020) <https://www.confetti.co.uk/wedding/planning-organising/impact-pandemic-wedding-planning-couples/>.

¹⁶⁰ UK Weddings Taskforce, "The UK Wedding Industry – Facts & Figures" <https://ukweddings.org/key-facts> (last visited 7 July 2022).

¹⁶¹ Report, para 10.12.

¹⁶² See further R Probert and S Pywell, "Love in the time of Covid-19: a case-study of the complex laws governing weddings" (2021) 41 *Legal Studies* 676.

make it important that the wedding takes place sooner rather than later, and those for whom a delay will prevent the wedding from happening at all.

Benefits to businesses

Enabling weddings to take place in a time of emergency when they would not, under the current law, be able to do so has financial benefits for wedding suppliers, in so far as they would be able to provide their services during the particular national emergency.

Benefits to groups and individuals acting as officiants

Our general scheme, and the emergency provisions under Recommendation 52 would enable religious and other belief groups to marry those belonging to their group who wished to marry, and benefit from any income associated with officiating at weddings, in so far as they would be able to do so during the particular national emergency. Similarly, independent officiants would be able to continue to conduct weddings, reducing any loss of income due to the emergency.

Non-monetised benefits

Reduction of infection risk

Our recommended general scheme would reduce the risk of infection in a situation similar to the Covid pandemic, for example by enabling couples to give initial notice online rather than in person, allowing them to marry in a wider range of outdoor locations, making it easier to change location to one presenting a lower risk (for example, an outdoor rather than indoor space) because the wedding location is not named on the schedule or marriage document, and reducing the number of people who need to attend a wedding (only one registration officer at a civil wedding, and religious officiants being able to conduct legally recognised weddings so not requiring a registration officer if they are not authorised persons). Any reduction in infection risk could potentially reduce the burden on healthcare services.

Fewer non-legally recognised weddings

Allowing couples to have a legally binding wedding in a time of national emergency under Recommendation 52 will reduce the risk of couples having a non-legally binding wedding, often a religious wedding, during the emergency, which is not later followed by a legal ceremony. There is evidence that the longer the lapse of time since a non-legally binding ceremony, the less inclined couples are to have a legal wedding.¹⁶³

¹⁶³ See further R Akhtar, "Unregistered Muslim Marriages: An Emerging Culture of Celebrating Rites and Conceding Rights" in J Miles, P Mody and R Probert (eds) *Marriage Rites and Rights* (2015).

Table 14: Summary of annual costs/benefits and NSPV for Option 1, £m

	Low estimate	Central estimate	High estimate
Option 1			
COSTS			
Transitional Costs	£1.35	£1.55	£1.75
Ongoing cost:			
• Area 1: Couples	£0	£2.55	£4.25
• Area 2: Officiants and nominating bodies	£0.34	£0.68	£1.02
Total ongoing costs	£0.34	£3.23	£5.27
BENEFITS			
Transitional benefits			
Ongoing benefits:			
Area 1: Couples	£13.87	£56.61	£114.09
Area 3: Businesses (venues)	£0.38	£11.14	£23.84
Total ongoing benefits	£14.25	£67.75	£137.93
NSPV over 10 years	£114.34	£535.03	£1,136.87

Specific impact assessments

- Equality impact assessment

We believe the recommendations set out above will have no adverse impact in terms of the protected characteristics.

- International trade impact assessment.

The impact on the international trade of our recommendations is considered where relevant. In summary, as we detail above, we expect there to be a positive impact through two areas in particular – as it relates to more cruise ships registered in the United Kingdom, and to more overseas couples choosing the United Kingdom as a wedding destination.

APPENDIX 1: GLOSSARY

“Anglican”: the Church of England and the Church in Wales.

“Anglican clergy”, “clergy” or “Clerk in Holy Orders”: a bishop, priest or deacon of the Church of England or the Church in Wales. Only Anglican clergy can solemnize Anglican weddings.

“Anglican preliminaries”: the preliminaries conducted by the Church of England and the Church in Wales, to authorise Anglican weddings. They are the publication of banns and the issuing of common licences and special licences.

“Approved premises”: under the current law, premises at which civil weddings can take place, following approval by a local authority under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.

“Authorised person”: under the current law, a person appointed by the trustees or governing body of a registered building to be present at and register the marriages that take place at that registered building, meaning that a registrar does not need to be present.

“Banns”: a form of Anglican preliminaries for weddings in Anglican churches or chapels, involving an announcement in church of an intended marriage.

“Certified place of worship”: a place of worship certified under the Places of Worship Registration Act 1855. Once certified as a place of worship, a building can also be registered to solemnize marriages (see “registered building”) under the current law.

“Civil preliminaries”: preliminaries conducted by the registration service, in distinction to Anglican preliminaries.

“Exempt from immigration control”: a person is exempt from immigration control if they are a Commonwealth citizen who had a right of abode by virtue of the Immigration Act 1971; a member of a diplomatic mission, or a family member of such a person; a member of a class of visiting service persons; a consular employee or officer, or a family member of such a person; a visiting member of a foreign government, or a family member of such a person; a specified representative or member of certain international organisations, or a family member of such a person; a specified dependant of a visiting member of the United States Armed Forces; or a head of state, or a family member of a head of state. See regulation 3 of the Proposed Marriages and Civil Partnerships (Meaning of Exempt Persons and Notice) Regulations 2015.

“Exempt person”: a relevant national, or someone who has the appropriate immigration status or holds a relevant visa in respect of the proposed marriage or civil partnership. See section 49(1) of the Immigration Act 2014.

“General Register Office”: the offices and staff of the Registrar General which oversees the civil registration in England and Wales of births, deaths and marriages.

“Marriage document”: the document issued after Anglican preliminaries and returned for registration after the ceremony, introduced under the schedule system under the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019.

“Non-qualifying ceremony”: a ceremony that results in a marriage that it is neither a valid nor a void marriage because the wedding ceremony did not comply with the required formalities under the law.

“Non-religious belief organisation”: an organisation whose sole or principal purpose is the advancement of a system of non-religious beliefs which have a level of cogency, seriousness, cohesion and importance that brings them within the meaning of article 9 of the European Convention on Human Rights.

“Preliminaries”: the steps that must be taken before a couple is authorised to have a legally binding wedding. Preliminaries ensure that there are no impediments to a couple marrying each other, and help to detect sham marriage and guard against forced marriage. Civil preliminaries are conducted by superintendent registrars and the Registrar General; Anglican preliminaries are conducted by the Church of England and Church in Wales.

“Register office”: the office of a superintendent registrar, being one of the two categories of locations at which a couple may have a civil marriage (the other being on approved premises) under the current law. There must be a register office in each registration district.

“Registered building”: a certified place of worship which is also registered for weddings to take place there. Under the current law, weddings conducted by religious organisations other than those of the Anglican, Jewish and Quaker faiths must take place in registered buildings.

“Relevant national”: a British citizen, an Irish citizen, a person with settled or pre-settled status under the EU Settlement Scheme, or a person who has a decision pending on an EU settlement scheme application that was submitted on or before 30 June 2021. See section 62(1) of the Immigration Act 2014.

“Religious-only marriage”: a marriage that is recognised by a religious community or organisation but not by the state, because the wedding did not follow the legal requirements. From the perspective of the state, a religious-only marriage is a form of non-qualifying ceremony.

“Schedule”: a document issued by the registration service as part of civil preliminaries, which authorises the couple’s wedding after the parties have given notice and a waiting period has elapsed, and is used to register their marriage. Under the current law, a schedule is the only type of document (apart from the Registrar General’s licence) that provides legal authority for civil weddings, Jewish and Quaker weddings, and other religious weddings in registered buildings. It can also be used instead of Anglican preliminaries to authorise an Anglican wedding in a church or chapel. A schedule system was introduced under the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, with schedules replacing superintendent registrar’s certificates. Also called a “marriage licence” in other jurisdictions.

“Void marriage” or “invalid marriage”: a void marriage or a marriage which has been avoided, is invalid or a nullity, meaning the marriage is treated as never having come into existence. The parties to a void marriage are entitled to apply for financial relief, as if they were divorcing; this is not the case for parties to a non-qualifying ceremony.

APPENDIX 2: Assumptions

Option 1

Number of weddings

Below is a more detailed version of Table 1, with low, central and high estimates for number of weddings.

Table 1A: Option 1 – Number/Types of Weddings (including percentages)

	Low estimate	Central estimate	High estimate
Total No of weddings	220,000	220,000	220,000
Percentage increase	2%	3%	4%
No. of additional weddings	4,400	6,600	8,800
Revised No. of total weddings	224,400	226,600	228,800
Percentage Anglican weddings	13.2%	13.2%	13.2%
No. of Anglican weddings	29,621	29,911	30,202
Percentage of other religious weddings	20.1%	20.1%	20.1%
No. of other religious weddings	45,104	45,547	45,989
Percentage of non-religious weddings	22.6%	22.6%	22.6%
No. of non-religious weddings	50,714	51,212	51,709
Percentage of civil weddings by maritime officiants	0.2%	0.2%	0.2%
No. of civil weddings by maritime officiants	449	453	458
Percentage of civil weddings by registration officers	21.3%	21.3%	21.3%
No. of civil weddings by registration officers	47,797	48,266	48,734
Percentage of civil weddings by independent officiants	22.6%	22.6%	22.6%
No. of civil weddings by independent officiants	50,714	51,212	51,709
Total No of weddings	224,399	226,601	228,801

Assumptions for number of weddings under Option 1:

- (1) We have assumed that between 224,000 and 228,999 couples will marry a year under our recommended reforms, representing an increase of 2%, 3% or 4% or the most recent figures available from ONS and rounded up; in 2019, there were a total of 219,850 weddings.

- (2) The number of Anglican weddings represent the current percentage of Anglican weddings (13.2%, 28,912 of a total 219,850 weddings) applied to the low / central / high estimate of additional weddings, to give 29,621 / 29,911 / 30,202 Anglican weddings.
- (3) The number of other religious weddings have been estimated as follows:
 - (a) Of the 39,897 opposite-sex couples¹⁶⁴ who wed in religious ceremonies in 2019, according to the most recent figures available from ONS, 4,049 couples had a Catholic wedding. We have used the number of Catholic couples marrying in a Catholic ceremony as a comparator, as the current law facilitates the recognition of Catholic weddings. Our recommendations will better facilitate other religious groups being able to conduct legally recognised weddings (for example, Recommendations 29, 30 and 34), and should put couples from other religious groups in the same position as Catholics are now; readily able to obtain a legally recognised religious wedding. We compared the number of Catholic weddings with the size of the Catholic population in 2014,¹⁶⁵ to give a figure of 1 wedding per 500 Catholics.
 - (b) We applied the 1:500 figure to the ONS estimate for different non-Christian religious groups for 2019.¹⁶⁶ The total figure for non-Christian religious individuals was 6,271,700, which on a 1:500 basis gives 12,543 weddings (rather than the actual 2,143 weddings¹⁶⁷ which took place in registered places of worship).
 - (c) Applying the 1:500 ratio to the number of individuals identifying as Christian in the most recent ONS figures (30,327,200)¹⁶⁸ would increase the number of Christian weddings (including Anglican, Catholic and other Christian groups) from the 37,754 given in the 2019 ONS figures to 60,654.
 - (d) We calculated the number of other Christian ceremonies by using the figure of 60,654 described above, and subtracting the number of Anglican weddings which took place in 2019 (28,912), to give 31,742.

¹⁶⁴ ONS figures for same-sex weddings are not broken down by religious denomination as are opposite-sex weddings.

¹⁶⁵ S Bullivant, "Contemporary Catholicism in England and Wales: A statistical report based on recent British Social Attitudes survey data" (2016).

¹⁶⁶ ONS, Population estimates by religion, England and Wales (2019), 16 December 2021. Table 1: Religion by country and region, England and Wales, 2019.

¹⁶⁷ ONS, *Marriages in England and Wales: 2019* (19 May 2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2019#marriages-in-england-and-wales-data>. Worksheet 1b: Number of opposite-sex marriages by year, type of ceremony and denomination, England and Wales, 1837 to 2019.

¹⁶⁸ ONS, Population estimates by religion, England and Wales (2019), 16 December 2021. Table 1: Religion by country and region, England and Wales, 2019.

- (e) The number of non-Anglican weddings is the number of other Christian weddings (31,742) plus the number of non-Christian religious weddings (12,543), resulting in a figure of 44,285. This number represents 20.1% of the total weddings in 2019 (219,850 weddings), and we have applied this percentage to our low / central / high range of additional weddings to give a range of 45,104 / 45,547 / 45,989.
- (4) Weddings on cruise ships have been using estimates provided at the time of our Consultation Paper by Carnival UK about the number of weddings on their cruise ships involving UK guests, increased to allow for weddings on other cruise companies' ships. We estimate 450 such weddings, which represents 0.2% of the total weddings which took place in 2019 (219,850). We have applied this percentage to our low / central / high range of additional weddings to give a range of 449 / 453 / 458.
- (5) The number of non-religious belief weddings has been calculated as follows:
 - (a) In Scotland, non-religious belief officiants can conduct weddings, but independent celebrants who are not associated with a religious or non-religious belief body, cannot.
 - (b) Official figures for weddings in Scotland, produced by National Records of Scotland indicate that in 2019, of 26,007 weddings in Scotland, 5,879 (22.6%) were conducted by Humanist groups.¹⁶⁹
 - (c) We assumed that this 22.6% would be a fair indication of the likely percentage of non-religious belief weddings in England and Wales, were independent celebrants not also enabled. We have applied this percentage to our low / central / high range of additional wedding numbers to give a range of 50,714 / 51,212 / 51,709.
- (6) The number of weddings conducted by independent officiants was calculated as follows:
 - (a) There is no official data on the numbers of wedding ceremonies conducted by NRBO celebrants or independent celebrants. Both types of ceremony are non-legally binding under the current law.
 - (b) At the time of the Consultation Paper, Humanists UK told us that it has 257 celebrants performing wedding ceremonies in England and Wales, who have performed over 1,000 such ceremonies in each of the past four years. We further noted that a recent large-scale study of independent celebrants has estimated that there are at least 1,000 independent celebrants in England and Wales performing over 10,000 wedding ceremonies each year.¹⁷⁰ However, in their response to our Consultation

¹⁶⁹ National Records of Scotland, *Vital Events Reference Tables 2019* (June 2020) Table 7.05: Marriages, religious forms and other beliefs, by selected denomination, 2009 to 2019.

¹⁷⁰ S Pywell, "The day of their dreams: celebrant-led wedding celebration ceremonies" [2020] *Child and Family Law Quarterly* 177, 181.

Paper, Humanists UK indicated that they consider these figures to be unreliable.

- (c) In the absence of official figures, we have made the assumption that the number of independent officiant weddings will be equal to the number of weddings conducted by non-religious bodies, if both are permitted.
 - (d) We have therefore assumed that 22.6% of weddings will be independent officiant weddings. We have applied this percentage to our low / central / high range of additional wedding numbers to give a range of 50,714 / 51,212 / 51,709.
 - (e) We have assumed that these independent officiant weddings will replace civil weddings that are currently conducted by registration officers.
- (7) The remaining percentage of the total weddings number, 21.3 %, represents civil weddings conducted by registration officers. We have applied this percentage to our low / central / high range of additional wedding numbers to give a range of 47,797 / 48,266 / 48,734.