

TERMS OF REFERENCE – WEDDINGS PROJECT

- 1.1 The review will consider how and where couples can marry in England and Wales. It will seek to provide recommendations for a reformed law of weddings that allows for greater choice within a simple, fair, and consistent legal structure.
- 1.2 Five principles will underpin recommendations for reform:
 - (1) Certainty and simplicity;
 - (2) Fairness and equality;
 - (3) Protecting the state's interest;
 - (4) Respecting individuals' wishes and beliefs; and
 - (5) Removing any unnecessary regulation, so as to increase the choice and lower the cost of wedding venues for couples.
- 1.3 To this end, the Law Commission will make recommendations regarding:
 - (1) Whether the legal preliminaries that must take place before a wedding could be streamlined;
 - (2) How the law should be reformed to enable marriage ceremonies to take place in a wider range of venues, including outdoor locations, at sea, and on military sites;
 - (3) How the law should be reformed in relation to who can solemnize a marriage and how it could be reformed to enable a wider range of persons to solemnize a marriage. This will include how marriage by humanist and other non-religious belief organisations could be incorporated into a revised or new scheme, and how provision could be made for the use of independent celebrants, but the Law Commission will not make recommendations as to whether the groups who can solemnize marriages should be expanded;
 - (4) What content is either required or prohibited as part of a wedding ceremony;
 - (5) How marriages should be registered, and by whom;
 - (6) What the consequences of failing to comply with all or some of the requirements for a valid marriage should be; and
 - (7) What offences are necessary to underpin the system governing weddings.
- 1.4 The review will proceed on the following policy assumptions.
 - (1) The project will not look to introduce universal civil marriage but it should investigate the potential for introducing universal civil preliminaries.
 - (2) There should be no change to the principle that, provided other requirements are met, religious groups should be able to marry people. There should be no change to the law determining what amounts to a religion for the purpose of the solemnization of marriage as decided by the Supreme Court in *R (on the*

application of Hodkin) v Registrar General of Births, Deaths and Marriages [2013] UKSC 77.

- (3) The project should not undermine immigration provisions introduced by the Government to protect against sham marriages. These include the changes to marriage law enacted by the Immigration Act 2014, which extended the length of the waiting period that must elapse between parties to an intended marriage giving notice of the marriage and the authority for the marriage being granted, and which prescribed a different route for individuals who are not relevant nationals.
- (4) The provisions of the civil and criminal law dealing with the issue of forced marriages should not be undermined by any changes to the law.
- (5) That any non-religious belief organisations or independent celebrants given the right to conduct marriage ceremonies cannot discriminate between opposite and same-sex couples.
- (6) Recommendations we make in relation to the solemnization of marriage would also apply (in so far as is relevant) where a civil partnership is being converted into a marriage.
- (7) It will be for the Government to consider the detail of making corresponding provision where appropriate with civil partnership ceremonies, for example in the cases of approved premises which are open to marriage and civil partnership ceremonies.

1.5 The review will not consider:

- (1) Who is eligible to enter into marriage;
- (2) The question of whether or not religious groups should be obliged to solemnize marriages of same sex couples, which was decided by Parliament following wide public debate.
- (3) The rights or responsibilities which marriage creates, such as the financial entitlements of surviving spouses or the consequences of divorce.
- (4) The Church of England's and the Church in Wales's duty to conduct marriage ceremonies for their parishioners.
- (5) The grounds on which a marriage can be void or voidable other than those grounds that relate to a failure to comply with the required formalities.
- (6) The law of divorce, including the issues that can arise when a civil divorce has been granted but a religious one has not.
- (7) How the law deals with marriages that have taken place in other jurisdictions.
- (8) Ancillary wedding services unrelated to the law governing how and where people can legally marry, such as flowers and catering, including any cost or choice difficulties for consumers in relation to those services.