

AT A GLANCE: THE LAW COMMISSION'S CONSULTATION ON GETTING MARRIED

The Law Commission of England and Wales is an independent body established by statute to make recommendations to Government to reform the law in England and Wales.

We are conducting a public consultation on our provisional proposals to reform the law governing weddings.

We are seeking views on our provisional proposals and asking questions. Your views will be carefully considered when we decide on our final recommendations.

Respond by 3 December 2020 to have your say.

Go to www.lawcom.gov.uk/project/weddings/ for more information.

“Weddings law” means all of the formalities which a couple is required to go through in order to have a legally recognised marriage. It includes the preliminaries to the wedding (also known as giving notice), rules about the ceremony itself, including where it can take place, who must attend and what must be said, and the registration of the marriage.

BACKGROUND

The Marriage Act 1949 governs weddings in England and Wales.

It is a complex maze of different rules for different types of ceremonies, based around the use of particular types of building.

The law developed incrementally over hundreds of years. The central elements of the law date from the 18th and 19th centuries.

But in the past two centuries, England and Wales have experienced profound social changes. As a society, we are far more culturally and religiously diverse, we are far more secular and people want to celebrate their weddings in varied and unique ways.

Unsurprisingly, the law does not work for many. It is unnecessarily restrictive, limiting how couples are permitted to celebrate their weddings, for historical rather than current policy reasons.



For many couples, how they wish to celebrate their wedding, and how the law requires them to celebrate it, conflict.

Many couples cannot marry in a place that is meaningful to them, with most couples unable to marry outdoors and at home. Many couples cannot have a ceremony with the vows, rituals and music that reflect their beliefs.

Some couples follow their religious traditions without knowing that they do not have the protection of legal marriage. Others may choose not to marry at all.

OUR PROVISIONAL PROPOSALS FOR REFORM

In our Consultation Paper, we suggest a comprehensive new legislative scheme to replace the outdated, overly restrictive current law of weddings, much of which dates from 1836.

The highlights of our proposed scheme, and how it compares with the current law, are set out in a table on the next page.



Current law	Our proposed scheme
Civil preliminaries	
A person must give notice of their intended wedding in person in the registration district where they have resided for the past seven days.	Individuals will be able to give notice of their intended wedding remotely, and choose the registration district where they attend to complete the preliminaries.
Notice of the intended marriage is posted at the local register office.	Upcoming weddings will be published online, accessible to the wider community.
Types of wedding	
Couples must choose between a civil or a religious ceremony. There is no option to have a wedding according to beliefs that are non-religious.	Our scheme would enable weddings conducted by non-religious belief organisations (such as Humanists) and/or independent celebrants, if Government decided to permit them.
Location	
With few exceptions, all couples must have their wedding either in a place of worship or a licensed secular venue. Couples generally cannot marry outdoors, even in the garden of a licensed venue.	All weddings will be legally permitted to take place in a location chosen by the couple. Couples will be able to marry outdoors and in their own homes.
Ceremonies	
Civil weddings and some types of religious wedding are required to include prescribed words.	There will be no prescribed words, giving couples greater freedom as to the form their wedding takes, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.
Couples cannot include elements in a civil wedding that reflect religious beliefs.	So long as it is still identifiable as a civil ceremony, couples will be able to have religious songs, readings and hymns as part of their civil weddings.
Validity	
If a couple fails to comply with the legal requirements, either intentionally or without realising, the law might not recognise them as being legally married.	Fewer ceremonies will result in a wedding that the law does not recognise at all.

