



BRIEFING PAPER

Number 07516, 29 October 2020

Mothers' details on marriage certificates

By Catherine Fairbairn

Inside:

1. Content of marriage certificates: current position
2. Marriage registration to change



Contents

Summary	3
1. Content of marriage certificates: current position	5
1.1 Marriage registration	5
1.2 Details included in the Marriage Register	5
1.3 Civil partnership certificates	5
2. Marriage registration to change	6
2.1 Background	6
Calls for the law to be changed	6
Government willingness to change law	6
2.2 Electronic schedule system to be introduced	7
2.3 When will the changes be implemented?	9
2.4 Law Commission consultation on weddings law	10

Summary

This briefing paper deals with the law in England and Wales. Different legislation and marriage registration systems apply in Scotland and Northern Ireland.

Current position

In England and Wales, the law requires all marriages to be registered once they have taken place. The system for registering marriages is currently paper-based. The prescribed particulars to be registered for a marriage include details of the father but not the mother of each of the parties to the marriage.

Marriage registration to change

Calls have been made, both inside and outside of Parliament, for the law to be changed to enable the details of both parents of the parties to the marriage to be included on marriage certificates. The Government has expressed willingness to reform the law.

The [Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Act 2019](#) (the 2019 Act) began as a Private Member's Bill introduced by Tim Loughton (Conservative) and received Royal Assent on 26 March 2019. [Section 1](#) enables the Secretary of State to make regulations which amend the Marriage Act 1949 to reform the way in which marriages are registered in England and Wales – moving from a paper-based system to registration in an electronic register.

The change to an electronic system will facilitate the amendment of the form and content of the marriage register entry to include, for example, the details of both parents of the couple, without having to replace all 84,000 marriage register books currently in use. Tim Loughton said that it would "make the system more secure and efficient, and it will make it simpler to amend the content of the marriage entry, both now and in the future".

The basis of the proposed new system is that the parties will sign a marriage schedule document instead of signing the marriage register book. The schedule will then be returned to the register office for the marriage to be registered in an electronic register maintained by the Registrar General.

Those marrying in the Church of England or Church in Wales will still be able to marry by ecclesiastical preliminaries, i.e. banns, common licence or Archbishop of Canterbury's Special Licence. However, the member of the clergy will issue a "marriage document", similar to the schedule issued by the superintendent registrar, which is to be taken to the marriage and signed by the couple, their witnesses and the member of the clergy. The couple will be responsible for returning the signed marriage document to the register office.

In all cases, it is intended that a marriage certificate could be issued from the electronic register by registration officials when the marriage has been registered.

When will the changes be implemented?

The detail of the new marriage registration scheme will be set out in regulations which have not yet been published. The timing of the regulations is not yet known.

The regulations to provide for registration in an electronic register will be subject to the affirmative resolution procedure, meaning that they require the approval of both Houses of Parliament to become law.

The Secretary of State may sub-delegate some aspects of the registration provisions to regulations made by the Registrar General with the approval of the Secretary of State. The provisions that may be delegated include the power to prescribe the form and content of documents, including the marriage schedule and marriage document. These documents will include the particulars to be registered in respect of each marriage.

Law Commission consultation on weddings law

The Law Commission is consulting on a comprehensive new legislative scheme to update the law governing each aspect of the process of getting married, which would give couples greater freedom over where they hold their wedding and the form the ceremony will take. In its consultation paper published on 3 September 2020, the Law Commission said that it supports the introduction of a schedule system and that its provisional proposals for reform are compatible with the 2019 Act. The Law Commission provisionally proposes that, under its proposed new scheme, the schedule should allow the parties to identify their two parents in the way they prefer. The consultation period will run until 3 December 2020.

1. Content of marriage certificates: current position

1.1 Marriage registration

In England and Wales, the law requires all marriages to be registered once they have taken place.

The marriage registration system is currently paper-based. Following the marriage ceremony, the person responsible for registering the marriage, (which may be a registrar, a member of the clergy or a person authorised on behalf of other religious groups) registers the marriage in a marriage register book and hand writes marriage certificates. A marriage certificate is an exact copy of the marriage register entry.

Different legislation and marriage registration systems apply in Scotland and Northern Ireland.

1.2 Details included in the Marriage Register

The layout and content of the entry in the marriage register is prescribed by the [Registration of Marriages Regulations 2015](#).¹ It remains the case that the prescribed particulars to be registered for a marriage include details of the father and not the mother of each of the parties to the marriage.

1.3 Civil partnership certificates

Details of each party's father and mother - their name, surname and occupation - are included on a civil partnership schedule, as prescribed by the [Civil Partnership \(Registration Provisions\) Regulations 2005](#).²

¹ SI 2015/207, see Form 15

² SI 2005/3176

2. Marriage registration to change

2.1 Background

Another Library briefing paper, [Commons Library analysis: Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Bill](#),³ provides background information about the proposed change to marriage registration, including about:

Calls for the law to be changed

Calls have been made, both inside and outside of Parliament, for the law to be changed to enable the details of both parents of the parties to the marriage to be included on marriage certificates. For example:

- A petition on the change.org website, [Mothers' names should be on marriage certificates alongside fathers' names](#), attracted 70,276 supporters.⁴
- Caroline Lucas (Green Party) tabled Early Day Motions, calling for mothers' names to be included on marriage certificates, on three occasions; each time there was cross-party support.
- On 8 December 2015, there was a Westminster Hall debate on marriage registration certificates.⁵
- Private Members' Bills were introduced which would have dealt with the issue in different ways.⁶

Government willingness to change law

In 2002, the Labour Government proposed including on a marriage certificate the names and occupations of the father and mother of the couple, as part of more wide-ranging reform of civil registration which did not proceed.⁷

On 18 August 2014, in a speech at the Relationships Alliance Summit, the then Prime Minister, David Cameron, said that it was time the system was updated.⁸

On 8 December 2015, Richard Harrington, then a junior Home Office Minister, replied for the Government in the Westminster Hall debate on marriage registration certificates. He agreed that the system should be reformed and spoke of the need for a comprehensive solution.⁹

³ CBP 08217, 24 October 2018

⁴ Accessed 28 October 2020

⁵ [HC Deb 8 December 2015 cc286-309WH](#)

⁶ See Library briefing paper: [Commons Library analysis: Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Bill](#) (CBP 08217, 24 October 2018) for further information

⁷ CM 5355, [Civil Registration: Vital Change – Birth, Marriage and Death Registration in the 21st Century](#), January 2002, p20

⁸ Gov.UK, [David Cameron on families](#), speech delivered on 18 August 2014 [accessed 28 October 2020]

⁹ [HC Deb 8 December 2015 cc306-309WH](#)

2.2 Electronic schedule system to be introduced

The [Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Act 2019](#) (the 2019 Act) began as a Private Member's Bill introduced by Tim Loughton (Conservative) and received Royal Assent on 26 March 2019. **Section 1** of the 2019 Act deals with marriage registration. This provision, as amended in the course of the passage through Parliament of the preceding Bill (the Bill), had Government support.

[Section 1](#) enables the Secretary of State to make regulations which amend the Marriage Act 1949 to reform the way in which marriages are registered in England and Wales – moving from a paper-based system to registration in an electronic register.

The change to an electronic system will facilitate the amendment of the form and content of the marriage register entry to include, for example, the details of both parents of the couple, without having to replace all 84,000 marriage register books currently in use. Tim Loughton said that it would “make the system more secure and efficient, and it will make it simpler to amend the content of the marriage entry, both now and in the future”.¹⁰

At Lords Second Reading of the Bill, Home Office Minister, Baroness Williams of Trafford, spoke of the advantages of moving to a schedule system:

Moving to a schedule system is the most efficient and economical way to introduce these changes and bring forward the biggest reform of how marriages are registered since 1837, moving away from the outdated legislation currently in place. It would remove the requirement for paper registers, currently held in over 30,000 register offices and religious buildings to registration in an electronic register. ...I suspect there would be an initial cost, but ultimately, the digitised system would probably bring savings. ... I can confirm that when the content is prescribed by the Registrar-General in secondary legislation, it will allow for the different family circumstances in society today. I think noble Lords would agree that this future-proofs any other changes that might occur as society changes.¹¹

The [Explanatory Notes](#) published with the 2019 Act provide further information about how it is proposed that the new system will operate:

This Act enables the introduction of a "schedule" system for the registration of marriages in England and Wales, similar to that already in place for civil partnerships in England and Wales and for marriages and civil partnerships in Scotland and Northern Ireland. The basis of this system is that the parties sign a document (called a "marriage schedule") instead of signing the marriage register book. The schedule is then returned to the register office for the marriage to be registered in an electronic register maintained by the Registrar General.

¹⁰ [PBC Deb 18 July 2018 c6](#)

¹¹ [HL Deb 18 January 2019 cc450-1](#)

Under the proposed new system, instead of superintendent registrars in the district(s) of the parties' residence issuing two certificates authorising the marriage to proceed, the superintendent registrar in the district in which the marriage is to be solemnized will issue one schedule for the couple. The schedule will contain all the information to be entered into the marriage register. The marriage will not be able to proceed without a schedule being issued.

The schedule will be taken to the marriage and, following the ceremony, it will be signed by the couple, witnesses, the person officiating and the person responsible for ensuring the schedule is signed. This is in place of signing the current marriage register book.

The couple will be responsible for ensuring the signed schedule is returned to the register office to be registered in the electronic marriage register. However, for all civil marriages (and those religious marriages attended by a registrar) it is anticipated that the registrar will retain the schedule and take it back to the register office to be registered.¹²

The Explanatory Notes also set out how marriages in the Church of England and Church in Wales will be affected:

Those marrying in the Church of England or Church in Wales will still be able to marry by ecclesiastical preliminaries, i.e. banns, common licence or Archbishop of Canterbury's Special Licence. These preliminaries will continue to act as the authority for the marriage to proceed.

Where ecclesiastical preliminaries are used, the member of the clergy will issue a "marriage document" similar to the schedule issued by the superintendent registrar but which does not act as the authority for the marriage to proceed. This will be taken to the marriage and signed by the couple, their witnesses and the member of the clergy. The couple will be responsible for returning the signed marriage document to the register office.¹³

In all cases, it is intended that a marriage certificate could be issued from the electronic register by registration officials when the marriage has been registered.

It is intended that the new system will be more secure than the current one:

The changes are intended to increase the security of marriage records by removing the requirement for open marriage register books and blank certificates to be held in churches and other religious buildings, where they can be a target of theft.¹⁴

The regulations may provide that, if a person is required to attend personally at the office of a superintendent registrar in order to deliver a signed marriage schedule or document, and fails to do so, they commit an offence:

Subsection (3) empowers the Secretary of State to amend the [Marriage Act 1949] to create a specific criminal offence, aimed at enforcing the registration of marriages. This offence is to be

¹² [Civil Partnerships, Marriages and Deaths \(Registration etc.\) Act 2019 Explanatory Notes](#), paragraphs 2-5

¹³ *Ibid*, paragraphs 6-7

¹⁴ *Ibid*, paragraph 11

modelled on section 24(2)(e) of the Marriage (Scotland) Act 1977. If a signed schedule or marriage document is not delivered to the registrar to be registered within a certain timescale, the registrar may require a party to the marriage to attend personally at the register office for the purpose of delivering the signed document. Subsection (3) enables the regulations to provide that failure to attend constitutes a criminal offence. The maximum penalty (a fine not exceeding level 3 on the standard scale, currently £1000) is specified in the Act.¹⁵

In September 2019, Tim Loughton asked for information about Government proposals on the method and timetable for a new married couple to lodge a marriage schedule. Seema Kennedy, who was then a junior Home Office Minister, gave the following written answer:

The detailed processes are under development and will be confirmed when a timescale for implementation is announced.¹⁶

Section 1 contains a “sunset provision”: no regulations may be made by the Secretary of State more than three years after the first regulations are made.¹⁷

The regulations to provide for registration in an electronic register will be subject to the affirmative resolution procedure, meaning that they require the approval of both Houses of Parliament to become law.

Section 1(4) empowers the Secretary of State to sub-delegate some aspects of the registration provisions to regulations made by the Registrar General with the approval of the Secretary of State.¹⁸ The provisions that may be delegated include the power to prescribe the form and content of documents, including the marriage schedule and marriage document. These documents will include the particulars to be registered in respect of each marriage.¹⁹

2.3 When will the changes be implemented?

The detail of the new marriage registration scheme will be set out in regulations which have not yet been published. The timing of the regulations is not yet known.

In September 2019, Tim Loughton asked about the timescale for implementation. Seema Kennedy gave the following written reply:

The General Register Office (GRO) is currently working on the secondary legislation, IT systems and administrative processes that are required to implement the marriage schedule system. An implementation timescale will be announced in due course.²⁰

On 3 August 2020, in answer to a Parliamentary question, Baroness Williams of Trafford said:

The Home Office is currently working on implementation plans to introduce the provisions in the Civil Partnership, Marriages and

¹⁵ Ibid paragraph 38

¹⁶ [PQ 290563 \[on Marriage Certificates\], 4 October 2019](#)

¹⁷ Section 1(6)

¹⁸ Under section 74(1) of the Marriage Act 1949

¹⁹ [Civil Partnerships, Marriages and Deaths \(Registration etc.\) Act 2019 Explanatory Notes](#), paragraph 39

²⁰ [PQ 290560 \[on Marriage Certificates: Mothers\], 4 October 2019](#)

Deaths (Registration Etc) Act 2019. This will facilitate the move to an electronic system of marriage registration and the update of the marriage entry to include the names of both sets of parents of a couple...²¹

2.4 Law Commission consultation on weddings law

The Law Commission is consulting on a comprehensive new legislative scheme to update the law governing each aspect of the process of getting married, which would give couples greater freedom over where they hold their wedding and the form the ceremony will take.²² The consultation period will run until 3 December 2020.

In its consultation paper, published on 3 September 2020, [Getting Married: A Consultation Paper on Weddings Law](#),²³ the Law Commission notes the provisions of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 and says that it supports the introduction of a schedule system:

...the regulations to make these reforms have not yet been made, so we do not yet know the detail of how the reformed registration system will work. However, we support this reform to adopt a schedule system, a suggestion we stated deserved serious consideration in our Scoping Paper.²⁴

The Law Commission has also said that its provisional proposals for reform are compatible with the 2019 Act.²⁵

[Chapter 8](#) of the consultation paper considers how registration under a schedule system should work under the proposed new scheme. The Law Commission provisionally proposes that the schedule should allow the parties to identify their two parents in the way they prefer:

Information to be recorded

8.12 Under a schedule system, the parties will continue to supply their personal details when giving notice of their intention to marry: their respective names, dates of birth, occupations and marital statuses. In Chapter 4 we provisionally propose that the parties would also be required to provide the name of their intended officiant. The identities of the parties and the presence of an authorised officiant would be of central importance to a valid marriage under our proposed scheme. So that information would be recorded on the marriage schedule or marriage document, when issued.

8.13 The location of the wedding plays no role in relation to the validity of the ceremony under our proposed new scheme. But we think that the location, along with the date of the wedding and the details of the parties' parents, is important information that will continue to be valuable for people, including policymakers,

²¹ [HL7029 \[on Registration of Births, Deaths, Marriages and Civil Partnerships\], 3 August 2020](#)

²² Law Commission, [Weddings](#) [accessed 28 October 2020]

²³ Law Commission Consultation Paper No 247, [Getting Married: A Consultation Paper on Weddings Law](#), 3 September 2020

²⁴ Law Commission Consultation Paper No 247, [Getting Married: A Consultation Paper on Weddings Law](#), 3 September 2020, paragraph 1.53

²⁵ *Ibid*, paragraph 1.77

academics, and family historians. We therefore provisionally propose that the location and date of the wedding, and the names and occupations of the parties' parents should be able to be added to the schedule or marriage document after the ceremony, and before it is signed. Allowing both parents' details to be added would address the inequality of the current system. We think that the schedule should allow the parties to identify their two parents in the way they prefer. Each parent should be identifiable as "mother", "father", or "parent".

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).