



BRIEFING PAPER

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Mothers' details on marriage certificates

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Summary

This briefing paper is no longer being updated. HM Passport Office guidance on GOV.UK, [Marriage ceremonies](#) (May 2021), includes information about the changes to marriage registration which took effect from 4 May 2021.

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. 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.

System of marriage registration to change

Subject to the approval of draft regulations which have been laid before Parliament, the Government intends that a new system of marriage registration will be implemented on **4 May 2021** and that the particulars to be registered for a marriage will be updated.

The proposed new system

The [Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Act 2019](#) 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 Government supported this provision.

The change to an electronic system would 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 draft Registration of Marriages Regulations 2021

The [draft Registration of Marriages Regulations 2021](#) (the Regulations) were laid before Parliament on 22 February 2021. A draft [Explanatory Memorandum](#) has also been published. The Regulations are subject to the affirmative resolution procedure and must be approved by both Houses of Parliament to become law.

The Regulations would amend the Marriage Act 1949 to enable the introduction of an electronic schedule system for marriage registration. The Registrar General would make further regulations to deal with (among other things) the information to be registered.

The basis of the proposed new system is that the parties would sign a marriage schedule issued by the superintendent registrar instead of signing the marriage register book. For marriages taking place in the Church of England and Church in Wales following

ecclesiastical preliminaries, (e.g. the calling of banns or the issue of a common licence), the parties would sign a marriage document issued by the member of the clergy - this would be similar to the marriage schedule.

The marriage schedule or marriage document would contain all the information to be entered into the marriage register. At the marriage ceremony it would be signed by the couple, their witnesses and the person(s) officiating at the marriage and then delivered by the officiant to the register office for the marriage to be registered in an electronic register maintained by the Registrar General.

Guidance

The Government intends that guidance for couples getting married will be published on the Gov.UK website before the new system is introduced. The General Register Office is also developing guidance for registration officials and religious bodies in England and Wales to be made available prior to implementation.

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.

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

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 There is an electronic register for civil partnerships.

¹ SI 2015/207, see Form 15

² SI 2005/3176

2. System of 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, 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 70,217 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 then Labour Government proposed including on a marriage certificate the names and occupations of the father and mother of each party, as part of more wide-ranging reform of civil registration, much of 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 4 March 2021

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, paragraph 3.9, p20

⁸ Gov.UK, [David Cameron on families](#), speech delivered on 18 August 2014 [accessed 2 March 2021]

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. The Government supported this provision, as amended in the course of the passage through Parliament of the preceding Bill (the Bill).

[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 would 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.¹⁰ 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”.¹¹

At Lords second reading of the Bill, Home Office Minister, Baroness Williams of Trafford, spoke of the advantages of moving to the proposed 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 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.¹²

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.¹³

The regulations to provide for registration in an electronic register are 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.¹⁴ The

¹⁰ See [Civil Partnerships, Marriages and Deaths \(Registration etc.\) Act 2019 Explanatory Notes](#), paragraph 12

¹¹ [PBC Deb 18 July 2018 c6](#)

¹² [HL Deb 18 January 2019 cc450-1](#)

¹³ Section 1(6)

¹⁴ Under section 74(1) of the Marriage Act 1949

provisions that may be delegated include the power to prescribe the form and content of documents, including the marriage schedule and marriage document, which would include the particulars to be registered in respect of each marriage.¹⁵

¹⁵ See [Civil Partnerships, Marriages and Deaths \(Registration etc.\) Act 2019 Explanatory Notes](#), paragraph 39

3. The draft Registration of Marriages Regulations 2021

3.1 Draft Regulations

The [draft Registration of Marriages Regulations 2021](#) (the Regulations) were laid before Parliament on 22 February 2021. The majority of the statutory instrument would be made in exercise of powers conferred by sections 1 and 5 of the Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019.¹⁶ A draft [Explanatory Memorandum](#) (the Explanatory Memorandum) has also been published.

The Regulations are subject to the affirmative resolution procedure and must be approved by both Houses of Parliament.

The Regulations would amend the Marriage Act 1949 (the 1949 Act) to change the system of marriage registration. They would enable the introduction of an electronic schedule system and facilitate an update of the content of the marriage entry, to include details of both parents of each of the couple:

These Regulations, in conjunction with other primary and secondary legislation will amend the Marriage Act 1949 (the '1949 Act'), to enable the introduction of an electronic 'schedule system' for the registration of marriages in England and Wales, thus changing the way in which marriages are registered in the future. These changes will facilitate the signing of marriage schedules at the marriage ceremony rather than signing a paper marriage register. The schedule system also provides the opportunity to modernise marriage registration processes. This includes updating the content of the marriage entry to include the details of both parents of the couple, instead of just the father's name and occupation as is currently the case.¹⁷

The Registrar General would make further regulations to deal with, among other things, the details to be registered:

This instrument will amend the regulation making power in section 74(1) of the 1949 Act to enable the Registrar General to make the Registration of Marriage (Amendment) Regulations 2021, which are not subject to any Parliamentary procedure and which will prescribe the content of a marriage schedule, a marriage document, the marriage certificate and other associated matters.¹⁸

The draft Explanatory Memorandum reiterates why the change to an electronic system of marriage registration is proposed:

Whilst it would be possible to simply amend the marriage entry under secondary legislation to include mothers' details, this would entail replacing 84,000 current marriage registers and associated certificate stock held in around 30,000 register offices and religious buildings, at an estimated cost of some £3million. A

¹⁶ [Draft Explanatory Memorandum to the Registration Of Marriages Regulations 2021](#), paragraph 6.1

¹⁷ [Draft Explanatory Memorandum to the Registration Of Marriages Regulations 2021](#), paragraph 2.1

¹⁸ *Ibid*, paragraph 6.3

similar exercise would then be necessary to introduce any further changes to the entry in the future.

Modernising the system of marriage registration from a hard-copy marriage register to an electronic system of registering marriages will enable changes to be made to the marriage entry more easily and at a lower cost. It will also allow more flexibility which reflects the changing family circumstances in society today, for example the inclusion of same sex parents in the marriage entry.¹⁹

The new schedule system would operate as follows:

The basis of a schedule system is that the couple will sign a document at their marriage ceremony (called a marriage schedule) instead of signing a 'paper' marriage register book. For all marriages taking place, other than in the Church of England or Church in Wales, the superintendent registrar in the district in which the marriage is to be solemnized will issue one marriage schedule for the couple to be signed at the marriage ceremony.²⁰

For marriages taking place in the Church of England and Church in Wales following ecclesiastical preliminaries, (eg the calling of banns or the issue of a common licence), the member of the clergy would issue a marriage document, similar to the marriage schedule.²¹

The marriage schedule or marriage document would contain all the information to be entered into the marriage register. At the marriage ceremony it would be signed by the couple, their witnesses and the person(s) officiating at the marriage and then delivered by the officiant to the register office for registration:

The signed marriage schedule or marriage document will then be returned to the register office, by the person officiating at the marriage ceremony, e.g. registrar, clergy etc, in the district in which the marriage took place, to be registered in the electronic marriage register by a registrar. A marriage certificate can then be issued to the couple.²²

The duty to ensure the marriage document or (as the case may be) marriage schedule is delivered to a registrar could be discharged by sending a copy in an approved electronic form.²³

In future, marriage certificates would be issued from the register office in the district where the marriage took place, or on request from the General Register Office after the marriage has been registered.

The Explanatory Memorandum also explains changes to other legislation which the Regulations would make:

- the Marriage of British Subjects (Facilities) Acts 1915 and 1916 would no longer apply in England and Wales:

Currently the Marriage of British Subjects (Facilities) Acts 1915 and 1916, enable a notice to be taken for a marriage to take place in England and Wales, or in a specified Commonwealth country, between two British subjects where one is a resident in

¹⁹ Ibid, paragraphs 7.2 and 7.3

²⁰ Ibid, paragraph 7.4

²¹ Ibid

²² Ibid, paragraph 7.5

²³ [Draft Registration of Marriages Regulations 2021, Regulation 7](#), inserting new section 53D into Marriage Act 1949

England or Wales and the other is a resident in specified Commonwealth countries or territory. These Acts however are seldom used. As such, to enable a smooth transition to the new registration system, this instrument will amend the Marriage of British Subjects (Facilities) Acts 1915 and 1916 so that they no longer apply in England and Wales.²⁴

- the evidence that must accompany a notice of marriage for immigration purposes would be specified:

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 amended a wide range of legislation to apply the sham marriage and civil partnership referral and investigation scheme established under the Immigration Act 2014 to EEA citizens. As part of this overall package of amendments, this instrument will amend section 28B of the 1949 Act to specify the evidence that must accompany a notice of marriage where a party to the marriage has status, or a pending application for status submitted by the deadline of 30 June 2021, under the EU Settlement Scheme (“the EUSS”). These amendments follow the ending of free movement as a result of the UK’s withdrawal from the EU. Irish citizens and individuals with status under the EUSS (or who have a pending application under the EUSS) will continue to be exempt from the sham marriage scheme, in line with British citizens.²⁵

The Regulations would apply to England and Wales only. The Explanatory Memorandum states that the Regulations would not have any minor or consequential effects outside England and Wales and provides further information about extent and territorial application.²⁶

3.2 When will the new system start?

Provisions in the Regulations would be implemented on various specified dates.²⁷ However, subject to approval, the Government intends that the new system of marriage registration will be implemented on **4 May 2021**. Detailed information about commencement is provided in the Explanatory Memorandum.²⁸

3.3 Guidance

The Government intends that guidance for couples getting married will be published on the Gov.UK website before the new system is introduced. The General Register Office is also developing guidance for registration officials and religious bodies in England and Wales and this will be made available prior to implementation.²⁹

²⁴ Ibid, paragraph 7.7

²⁵ Ibid, paragraphs 2.2 and 7.8. It is intended that this amendment will be commenced on 1 July 2021. See also, The Faculty Office of the Archbishop of Canterbury, [Changes to the requirements for EEA Nationals to marry in the UK from 1st July 2021](#), 22 February 2021

²⁶ Ibid, paragraphs 3 and 4

²⁷ [Draft Registration of Marriages Regulations 2021, Regulation 1](#)

²⁸ [Draft Explanatory Memorandum to the Registration Of Marriages Regulations 2021](#), paragraph 6

²⁹ Ibid, section 11

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