



DEBATE PACK

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Minimum age for marriage and civil partnership

Summary

A Westminster Hall debate on Minimum age for marriage and civil partnership is scheduled for Wednesday, 15 May at 9.30 am. The Member leading the debate is

Pauline Latham MP.

By Catherine Fairbairn
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and Philip Loft

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

1.1 Current law

England and Wales

In England and Wales, the minimum age for marriage or civil partnership without parental or other third-party permission (as defined) is 18. A person between the ages of 16 and 18 may marry or form a civil partnership only with parental or third-party consent (unless the 16 to 18-year-old is a widow or widower or surviving civil partner). (Marriage Act 1949 section 3, as amended, Civil Partnership Act 2004 section 4)

A marriage or civil partnership is void if either of the parties is under the age of sixteen (Marriage Act 1949 section 2, Civil Partnership Act 2004 sections 3 and 49).

Scotland

The minimum age for marriage or civil partnership in Scotland is 16 (Marriage (Scotland) Act 1977 section 1, Civil Partnership Act 2004 section 86), and there is no requirement for parental or third party permission (National Records of Scotland, [What Was and Is The Minimum Age For Marriage in Scotland?](#)).

A marriage or civil partnership is void if either of the parties is under the age of sixteen (Marriage (Scotland) Act 1977 section 1, Civil Partnership Act 2004 sections 86 and 123).

1.2 Statistics

The table shows the number of men and women marrying in England and Wales aged 16 or 17, from 2006 to 2016. The percentage figure, which takes account of the changing numbers marrying each year, shows that amongst marriages of opposite-sex couples, the percentage of men marrying under the age of eighteen has remained relatively stable between 2005 and 2016. In contrast, the percentage of women marrying under the age of eighteen has fallen from a high of 0.18% in 2005 to 0.06% in 2016. In each year, the number and percentage of women marrying under the age of eighteen remains higher than the male figure. Over this period, the absolute number of marriages amongst those aged 16 or 17 has also fallen, from 424 in 2006 to 179 in 2016.

The first marriages of same sex couples did not occur until March 2014, and because of the small number of same-sex couples where one partner is under the age of twenty, the Office for National Statistics has

not published a breakdown of figures for those entering same-sex marriages aged 16 or 17.

| MEN AND WOMEN MARRYING AGED 16-17 YEARS, 2006 TO 2016 | | | | | |
|--|---------------|-------------------|---------------|-------------------|----------------------|
| England and Wales | | | | | |
| Marriages of opposite-sex couples under 18 years | | | | | |
| | Men | | Women | | All marriages |
| | Number | Percentage | Number | Percentage | |
| 2006 | 76 | 0.03% | 348 | 0.15% | 239,454 |
| 2007 | 62 | 0.03% | 308 | 0.13% | 235,367 |
| 2008 | 61 | 0.03% | 316 | 0.13% | 235,794 |
| 2009 | 67 | 0.03% | 321 | 0.14% | 232,443 |
| 2010 | 42 | 0.02% | 229 | 0.09% | 243,808 |
| 2011 | 70 | 0.03% | 274 | 0.11% | 249,133 |
| 2012 | 41 | 0.02% | 285 | 0.11% | 263,640 |
| 2013 | 33 | 0.01% | 177 | 0.07% | 240,854 |
| 2014 | 40 | 0.02% | 200 | 0.08% | 247,372 |
| 2015 | 54 | 0.02% | 171 | 0.07% | 239,020 |
| 2016 | 38 | 0.02% | 141 | 0.06% | 242,774 |

Note: The Office for National Statistics does not publish figures for those entering same-sex marriages aged 16 or 17.

Source: Office for National Statistics, [Marriages in England and Wales, 2016](#), Tables 3 and 4.

1.3 UNICEF

[UNICEF](#) refers to child marriage as being “any formal marriage or informal union between a child under the age of 18 and an adult or another child”. It considers that child marriage is a violation of human rights:

Marriage before the age of 18 is a fundamental violation of human rights. Many factors interact to place a girl at risk of marriage, including poverty, the perception that marriage will provide ‘protection’, family honour, social norms, customary or religious laws that condone the practice, an inadequate legislative framework and the state of a country’s civil registration system. Child marriage often compromises a girl’s development by resulting in early pregnancy and social isolation, interrupting her schooling, limiting her opportunities for career and vocational advancement and placing her at increased risk of domestic violence. Child marriage also affects boys, but to a lesser degree than girls.

UNICEF, [Child marriage](#), March 2018

[UNICEF notes](#) that the issue of child marriage is addressed in a number of international conventions and agreements:

The Convention on the Elimination of All Forms of Discrimination against Women, for example, covers the right to protection from child marriage in article 16, which states: “The betrothal and the marriage of a child shall have no legal effect, and all necessary

action, including legislation, shall be taken to specify a minimum age for marriage....” The right to ‘free and full’ consent to marriage is recognized in the Universal Declaration of Human Rights, which says that consent cannot be ‘free and full’ when one of the parties involved is not sufficiently mature to make an informed decision about a life partner. Although marriage is not mentioned directly in the Convention on the Rights of the Child, child marriage is linked to other rights – such as the right to freedom of expression, the right to protection from all forms of abuse, and the right to be protected from harmful traditional practices – and is frequently addressed by the Committee on the Rights of the Child. Other international agreements related to child marriage are the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.

1.4 Private Members Bills

Marriage and Civil Partnership (Minimum Age) Bill 2017-19

The [Marriage and Civil Partnership \(Minimum Age\) Bill 2017-19](#) was introduced on 5 September 2018 by Pauline Latham (Conservative) under the Ten Minute Rule. A date for Second Reading has not yet been arranged. Information about the Bill is available on the [Bill page on the Parliament website](#).

Introducing the Bill, Pauline Latham set out its purpose, referring to, among other things, the position of UNICEF and noting that many Commonwealth countries still follow the legal lead of the UK:

...Under the United Nations sustainable development goals, states around the world pledged to end by 2030 marriages in which one or both spouses are under 18, but many Commonwealth countries still follow the legal lead of the UK. ... Changes to laws in the UK reverberate around the world but this is not the only reason that fresh impetus should be given to increasing the minimum age for marriage from 16 to 18. It should be our priority to protect children, and that may mean from themselves as well as from potential dangers from others.

(...)

In the United Kingdom, children of 16 and 17 need the consent of their parents to be married. Surely this shows that they are not mature enough to make the decision themselves. But this is not the safeguard that it may once have been because it opens the door for forced marriages, or at least for pressure to be exerted on young people to marry to fulfil family demands.

(...)

Marriage is a major life decision for which children are not emotionally and physically ready. Setting the minimum age of marriage at 18 provides an objective, rather than subjective, standard of maturity, which safeguards a child from being married when they are not physically, mentally or emotionally ready. Many argue that there should be a minimum level of maturity, and free and full consent about whether, whom and when to marry...

Kevin Foster (Conservative) set out some reservations and queried whether this matter should be dealt with by way of a Private Member's Bill.

The full debate is at: [HC Deb 5 September 2018 cc196-200](#).

The Marriage and Civil Partnership (Minimum Age) Bill [HL] 2016-17

The [Marriage and Civil Partnership \(Minimum Age\) Bill \[HL\] 2016-17](#) was introduced by Baroness Tonge on 25 May 2016. The long title of the Bill was to "Raise the minimum age of consent to marriage or civil partnership to eighteen; create an offence of causing a person under the age of eighteen to enter into a marriage or civil partnership; and for connected purposes".

The Second Reading debate took place on 21 October 2016: [HL Deb 21 October 2016 cc2563-2572](#).

Replying for the Government, Baroness Goldie summarised the Government's position, and, while sharing Baroness Tonge's concerns, said that the Government had not seen sufficient evidence to show that the Bill would be effective in preventing abuse, bringing perpetrators to justice, or offering additional protection. Baroness Goldie also said that it would be disproportionate to prevent people exercising the freedom to marry or form civil partnerships in England and Wales at 16 or 17 with their full, free and informed consent, noting that the numbers involved were small.

A Lords Library briefing paper on this Bill, [LIF 2016/0056, 18 October 2016](#) includes background information.

The Bill completed its passage through the House of Lords but made no further progress.

2. Media

Sky News

[Protect girls from forced marriage by increasing minimum age to 18, say campaigners](#)

31 March 2019

RightsInfo

[Child Marriage Survivors Say UK Law Legitimises 'Terrible' Abuse](#)

By Thomas Reuters Foundation

2 November 2018

Times

[Allowing children to marry brings shame on Britain](#)

By Sarah Champion MP

7 September 2018

Human Rights Watch

[Ending Child Marriage in the United Kingdom: Hypocrisy Undermines UK pledge to Fight Child Marriage Overseas](#)

6 September 2018

Metro

[Minimum age for marriage in UK should be raised to 18, MP says](#)

6 September 2018

Times

[The minimum age for marriage should increase to 18 to protect children](#)

By Pauline Latham MP

5 September 2018

Independent

[World minimum marriage age: Chart shows the lowest age you can legally get married around the world](#)

25 July 2015

3. Parliamentary Business

3.1 Ministerial Statements

3.2 Debates

[Marriage and Civil Partnership \(Minimum Age\)](#)

HC Deb 5 September 2018 c196-200

[Marriage and Civil Partnership \(Minimum Age\) Bill \[HL\]](#)

HL Deb 21 October 2016 c2563-72

3.3 Parliamentary Questions

[Marriage: Young People](#)

To ask Her Majesty's Government, further to the reply by Baroness Williams of Trafford on 5 September (HL Deb, col 1787), what plans they have to review the minimum age of marriage in England and Wales.

17 September 2018 | Written questions | House of Lords | HL10145

Asked by: Baroness Hayman | Answered by: Baroness Williams of Trafford | Department: Home Office

[Marriage: Children](#)

To ask the Minister for the Cabinet Office, in how many marriages was the (a) woman or (b) man between the 16 and 18 years of age for each year for which information is available.

07 Jun 2018 | Written questions | House of Commons | 49646

Asked by: Sharma, Mr Virendra | Answered by: Chloe Smith | Department: Cabinet Office
Attachment: [UKSA response](#)

3.4 Parliamentary Material

[Marriage and Civil Partnership \(Minimum Age\) Bill 2017-19](#)

Bill 261 2017-19, 5 September 2018

4. Organisations and further reading

Pauline Latham MP, [Age of Consent: "Why are we still allowing 16 year olds to get married?"](#), BBC Radio 4 Women's Hour, 26 October 2018

Megan Arthur et al, [Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities](#), Journal of Women, Politics & Policy, Volume 39:1, 51-74, 2018

Save the Children/ World Bank, [Ending child marriage: child marriage laws and their limitations](#), October 2017

World Vision, [Ending child marriage by 2030: tracking progress and identifying gaps](#), July 2016

Plan International UK, [Ending child marriage](#)

Girls not Brides, [Child marriage and the law](#)

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