

Research Briefing

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Marriage venues



Summary

- 1 Where can a marriage take place in England and Wales?
- 2 Civil marriage
- 3 Religious marriage
- 4 The Labour Government's proposals (1999-2005)
- 5 Law Commission project on weddings
- 6 What will happen next?
- 7 Marriage venues in Scotland

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Contents

| | |
|--|----|
| Summary | 4 |
| 1 Where can a marriage take place in England and Wales? | 7 |
| 2 Civil marriage | 9 |
| 2.1 Civil marriage indoors | 9 |
| 2.2 Civil marriage outdoors | 9 |
| 2.3 Civil ceremony must not include religious content | 12 |
| 3 Religious marriage | 14 |
| 3.1 Marriage in the Church of England | 14 |
| 3.2 Marriage in accordance with the rites of other religions | 15 |
| 3.3 Religious marriage outdoors | 16 |
| 4 The Labour Government's proposals (1999-2005) | 18 |
| 4.1 Regulation to be based on celebrant and not on building | 18 |
| 4.2 Proposals not implemented | 18 |
| 5 Law Commission project on weddings | 20 |
| 5.1 Background | 20 |
| 5.2 Law Commission scoping review | 21 |
| 5.3 Law Commission project | 22 |
| 5.4 Law Commission recommendations | 23 |
| 6 What will happen next? | 27 |
| 7 Marriage venues in Scotland | 29 |

Summary

This briefing paper deals with where couples may get married in England and Wales, with a very short summary of the position in Scotland. It also deals with Law Commission recommendations for the reform of weddings law.

Where can a marriage take place?

In England and Wales, the regulation of marriage is based largely on the building (and in some cases its grounds) in which the relevant marriage takes place. Marriage must usually take place in:

- a register office;
- a building that has been approved for the purposes of civil marriage by the local authority of the area in which the building is situated - “approved premises”, including, for example, hotels and stately homes - or, where relevant, in the linked outdoor areas of approved premises;
- a building of the Church of England or the Church in Wales;
- a building that has been registered for the purposes of religious marriage other than in the Church of England or Church in Wales; or
- a naval, military or air force chapel.

There are some exceptions including:

- due mainly to historical reasons, couples marrying according to the rites and ceremonies of the Jews or Society of Friends (Quakers) may marry anywhere;
- marriage can sometimes take place at the residence of someone who is housebound, detained or terminally ill.

There are various conditions surrounding the couple’s choice of venue.

Marriage outdoors

Civil marriage

The [Marriages and Civil Partnerships \(Approved Premises\) \(Amendment\) Regulations 2021](#) (the 2021 Regulations) enabled civil marriage ceremonies to take place in the grounds of approved premises as well as in the indoor structure, for the period from 1 July 2021 to 5 April 2022. At the time these regulations were introduced, the Government [said it would consult in autumn 2021 to consider the practical impacts of the new policy in detail and to enable later legislation which was not time limited](#).

Following a [Government consultation](#) launched in December 2021 on whether the change should be made permanent, [further regulations](#) made in 2022 now provide that these temporary measures will continue indefinitely.

Religious marriage

Religious marriages conducted in a place of worship cannot be held outdoors at present (although it is already up to the Jewish and Quaker faiths whether their marriages can take place outdoors). Following [consultation](#) (PDF), the Government intends, in due course, [to put forward a Legislative Review Order to allow for outdoor religious weddings](#).

Law Commission project

Background

At present, non-religious belief marriage ceremonies (such as humanist marriage ceremonies) do not have legal force and the parties must have an additional ceremony (for example, at a register office) for the marriage to be legally valid.

In 2014, the Ministry of Justice conducted a public consultation on whether the law should be changed to permit marriage according to the usages of non-religious belief organisations. The majority of respondents to the consultation were in favour of changing the law to allow such marriage ceremonies to take place in unrestricted locations, including outdoors. However, the Coalition Government decided that the legal and technical requirements of marriage ceremonies and registration in England and Wales should be considered more generally before, or at the same time as, making a decision on the issue of permitting legally valid non-religious belief marriage ceremonies.

In December 2014, the Coalition Government asked the Law Commission to conduct a review of the law governing how and where people can marry in

England and Wales. The Law Commission published a [scoping paper](#) (PDF) in December 2015 and concluded that the law governing how and where couples in England and Wales can marry “[is badly in need of reform](#)”.

Law Commission recommendations

Following [consultation](#) (PDF), in July 2022, the Law Commission published a [report](#) (PDF) which set out recommendations to reform weddings law comprehensively. The Law Commission proposed that regulation would be based on the officiant rather than on the building in which the wedding takes place. This would enable weddings to take place at a much greater variety of venues than is currently permitted. However, this would not mean couples would have the right to get married wherever they choose. The officiant would have to agree the location, and belief organisations could have their own rules.

[The Government said it would publish a response to the report in due course.](#)

Scotland

In Scotland, a religious or belief marriage may take place anywhere. A civil marriage may take place in a registration office or at any place agreed with the registrar. There are rules relating to who may solemnize marriages.

1

Where can a marriage take place in England and Wales?

The [Marriage Act 1949](#) (as amended) sets out the procedure and places where a marriage may take place. It provides for:

- civil marriage;
- marriage according to the rites and ceremonies of the Church of England and the Church in Wales;¹
- marriage according to Jewish and the Society of Friends (Quaker) customs;
- marriage according to all other religious rites (eg Roman Catholic, Methodist, Muslim), in a place of worship that has been registered for the purpose.

The regulation of marriage is based largely on the building (and in some cases its linked outdoor areas) in which the relevant marriage takes place. Marriage must usually take place at one of the following venues:

- register office;
- approved premises, such as an hotel – that is, a building that has been approved for the purposes of civil marriage by the local authority of the area in which the building is situated² – or, where relevant, in the linked outdoor areas of approved premises;³
- a building of the Church of England or the Church in Wales;
- a registered building - that is, a building that has been certified as a place of worship and also registered for the purpose of religious marriage (other than in the Church of England or Church in Wales);
- a naval, military or air force chapel.

There are some exceptions including:

¹ [Section 78\(2\) of the Marriage Act 1949](#) provides that any reference in that Act to the Church of England shall, unless the context otherwise requires, be construed as including a reference to the Church in Wales, and the same approach is adopted in this briefing paper

² In accordance with the Marriages and Civil Partnerships (Approved Premises) Regulations 2005, as amended

³ The next section of this briefing paper provides information about outdoor marriage

Marriage venues

- due mainly to historical reasons, couples marrying according to the rites and ceremonies of the Jews or Society of Friends may marry anywhere, including outdoors;
- marriage can sometimes take place at the residence of someone who is housebound, detained or terminally ill.

There are various conditions surrounding the couple's choice of venue.

The [Marriage \(Same Sex Couples\) Act 2013](#) amended the Marriage Act 1949 to provide for same-sex couples to be married in either a civil ceremony or a religious ceremony (other than in accordance with the rites and ceremonies of the Church of England or Church in Wales) where the religious organisation has opted in to conduct marriage of same-sex couples.

2 Civil marriage

2.1 Civil marriage indoors

In England and Wales, a civil marriage ceremony may take place at a register office or at any venue approved by the local council in accordance with the [Marriages and Civil Partnerships \(Approved Premises\) Regulations 2005](#) (the 2005 Regulations).⁴

As originally enacted, the 2005 Regulations specified that a civil marriage ceremony must take place within a permanent immovable structure comprising at least a room, or any permanently moored boat or vessel.

In 2021, the Government said almost 75% of all weddings are civil ceremonies, and over 85% of these are held on approved premises.⁵

Religious premises, meaning premises which are used solely or mainly for religious purposes, or which have been so used and have not subsequently been used solely or mainly for other purposes,⁶ may not be approved for civil marriage.⁷

2.2 Civil marriage outdoors

The 2005 Regulations were amended by the [Marriages and Civil Partnerships \(Approved Premises\) \(Amendment\) Regulations 2021](#) (the 2021 Regulations),⁸ for the period from 1 July 2021 to 5 April 2022, to permit civil ceremonies to take place in the grounds of approved premises as well as in the indoor structure. At the time these regulations were introduced, the Government said it would consult in autumn 2021 to consider the practical impacts of the new policy in detail and to enable later legislation which was not time limited.⁹

⁴ SI 2005/3168. This legislation, though amended, is currently only available in its original format on legislation.gov.uk

⁵ Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p7

⁶ As defined by [section 6A\(3C\) of the Civil Partnership Act 2004](#)

⁷ HM Passport Office, [The Registrar General's guidance for the approval of premises as venues for civil marriages and civil partnerships](#), Ninth edition (revised 6 April 2022), para 2.19

⁸ SI 2021/775

⁹ Gov.UK from the Ministry of Justice, [Outdoor civil wedding and partnership registrations to be legalised](#), 20 June 2021 (accessed 29 November 2022)

Following a Government consultation launched in December 2021 on whether the change should be made permanent,¹⁰ further legislation (the 2022 Regulations, again amending the 2005 Regulations) now provides that these temporary measures will continue indefinitely.¹¹ The 2022 Regulations came into force on 6 April 2022 so there was a seamless transition. An associated Explanatory Memorandum summarises how the 2022 Regulations will operate, including:

In particular, this instrument includes provision to:

- minimise administrative burdens by deeming premises that are already approved for civil ceremonies to include automatically their linked outdoor areas;
- provide that new applications (for approval or renewal), and any decisions on these, will automatically extend to linked outdoor areas. Applicant owners or trustees would need to submit plans showing the boundary of the outdoor areas as well as the built premises;
- require that outdoor locations for the ceremony will need to meet certain conditions, including that they are seemly and dignified and are identifiable by directions so that they can be easily located by the public.¹²

In its response to the consultation, the Government confirmed the changes made by the 2022 Regulations would be substantially similar to those made by the 2021 Regulations with the exception of a “few key changes”, including in relation to:

- restrictions on the sale or consumption of food or alcoholic drinks:

We have carefully considered the existing condition restricting the sale or consumption of food or alcoholic drinks prior to the proceedings. As the majority of respondents asked to maintain the condition, this condition will also be retained. This is because we consider the condition will help ensure ceremonies remain seemly and dignified, will reflect the solemnity of the occasion and will help ensure that couples are marrying with their full mental capacity (or that any issues with capacity are more easily recognised by the registrar). However, we are conscious that more clarity is required as to whether this condition applies to the entire outdoor area or just the immediate area next to where the ceremony is taking place. We will therefore clarify the effect of the restriction in accompanying guidance documents to make clear that it is only intended to apply to the immediate area next to where the ceremony will take place, and not to the linked outdoor area of an approved premise as a whole.

- permissible structures for outdoor ceremonies:

¹⁰ [Outdoor marriages and civil partnerships - Ministry of Justice - Citizen Space](#), 20 December 2021

¹¹ [Marriages and Civil Partnerships \(Approved Premises\) \(Amendment\) Regulations 2022](#), SI 2022/295

¹² [Explanatory Memorandum to the Marriages and Civil Partnerships \(Approved Premises\) \(Amendment\) Regulations 2022 \(PDF\)](#), para 2.3

As requested by multiple respondents, we will also clarify the guidance in relation to the types of permissible structures for outdoor ceremonies, which we consider will help remove any uncertainty about where a ceremony may take place in the case of inclement weather, for example. To address respondents' concerns around the use of marquees and in which structures an 'outdoors' ceremony could be held, we will amend the definition of "linked outdoor areas" so that it will mean those areas within the boundary of the land which are not "built premises". In other words, the two definitions will become mutually exclusive. This means that semi-permanent or other structures within the linked outdoor areas that are partially or fully open at the sides, such as marquees, will be able to be used for outdoor ceremonies. This change in definition will also be clarified in guidance for venues and registrars.

- some minor and technical amendments not representing a change in policy.¹³

Owners and trustees of premises are not required to offer outdoor ceremonies if they do not wish to do so. It is a matter for each individual venue to decide on, and to ensure, if they do decide to hold ceremonies in the outdoor grounds, that the applicable conditions are met.¹⁴

The Government said allowing outdoor marriages would "provide greater flexibility and choice to couples and the wedding sector".¹⁵ The consultation found that 96% of respondents backed making the change permanent.

Civil marriages which are held at a register office cannot currently be held outdoors.¹⁶

Outdoor civil partnerships

Some religious premises are approved premises or can become approved premises for civil partnership ceremonies. The 2022 Regulations provide (as did the 2021 Regulations) that these ceremonies can take place outdoors, just as they can in non-religious approved premises, as long as the applicable conditions are met.¹⁷ Owners and trustees of religious premises are not obliged to offer outdoor civil partnerships.

Guidance

Guidance on GOV.UK includes:

¹³ Ministry of Justice, Consultation response, [Outdoor marriages and civil partnerships \(PDF\)](#), 22 March 2022, pp31-2

¹⁴ Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p10

¹⁵ [Outdoor civil weddings and civil partnerships made permanent - GOV.UK \(www.gov.uk\)](#), 15 March 2022 (accessed 29 November 2022)

¹⁶ [Guidance for couples: outdoor civil marriage and civil partnership ceremonies - GOV.UK \(www.gov.uk\)](#), updated 6 April 2022

¹⁷ Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p13

- Ministry of Justice, [Guidance for venues: outdoor civil marriage and civil partnership ceremonies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/venues-outdoor-civil-marriage-and-civil-partnership-ceremonies), updated 6 April 2022, which deals with questions relating to:
 - the definition of “premises” and associated practicalities – this guidance stresses the importance of approved premises consulting the superintendent registrar in advance before arranging any proceedings in the outdoor area, to obtain prior confirmation that the outdoor location fulfils the requirement to be seemly and dignified;
 - whether an application is needed to use the linked outdoor areas and the use of plans; and
 - health and safety.¹⁸
- Ministry of Justice, [Guidance for couples: outdoor civil marriage and civil partnership ceremonies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/couples-outdoor-civil-marriage-and-civil-partnership-ceremonies), updated 6 April 2022, which has some frequently asked questions;
- HM Passport Office, [The Registrar General's guidance for the approval of premises as venues for civil marriages and civil partnerships \(PDF\)](#), Ninth edition, revised 6 April 2022, which focuses on the detailed processes for the approval of premises and the conditions associated with an approval.

2.3

Civil ceremony must not include religious content

The Marriage Act 1949 provides that no religious service shall be used at any marriage solemnized in the office of a superintendent registrar.¹⁹

Similarly, regulations provide that it must be a condition of approval of premises for civil marriage that marriages conducted there must not include anything that is religious:

- (1) Any proceedings conducted on approved premises shall not be religious in nature.
- (2) In particular, the proceedings shall not—
 - (a) include extracts from an authorised religious marriage service or from sacred religious texts;

¹⁸ GOV.UK, [Guidance for venues: outdoor civil marriage and civil partnership ceremonies](https://www.gov.uk/guidance/venues-outdoor-civil-marriage-and-civil-partnership-ceremonies), updated 6 April 2022 (accessed 29 November 2022)

¹⁹ Marriage Act 1949 [section 45\(2\)](#)

(b) be led by a minister of religion or other religious leader;

(c) involve a religious ritual or series of rituals;

(d) include hymns or other religious chants; or,

(e) include any form of worship.

(3) But the proceedings may include readings, songs, or music that contain an incidental reference to a god or deity in an essentially non-religious context.

(4) For this purpose any material used by way of introduction to, in any interval between parts of, or by way of conclusion to the proceedings shall be treated as forming part of the proceedings.²⁰

A couple may have a separate religious blessing of their marriage after a civil ceremony (depending on the requirements of the religious organisation concerned).

²⁰ Marriages and Civil Partnerships (Approved Premises) Regulations 2005/3168, Regulation 6(1) and Schedule 2, paragraph 11. See also, Gov.UK, [Marriages and civil partnerships in England and Wales, Plan your ceremony](#), (accessed 29 November 2022)

3 Religious marriage

3.1 Marriage in the Church of England

Right to marry

The general position is that the clergy of the Church of England are under a common law duty to marry a parishioner in their parish church or in the church of a parish with which they have a qualifying connection.²¹ The marriage must generally take place in an Anglican church or authorised chapel.²²

However, it is not legally possible for same sex-couples to marry in the Church of England. In addition, members of the clergy may sometimes refuse to solemnize a marriage; for example, they may refuse to marry any person whose former marriage has been dissolved if the former spouse is still living;²³ or any person whose acquired gender has been legally recognised under the Gender Recognition Act 2004.²⁴

Marriage ceremony

Only a marriage according to the rites and ceremonies of the Church of England may take place in an Anglican church, unless the church is the subject of a sharing agreement under the Sharing of Church Buildings Act 1969:

If, on the basis of a Sharing Agreement, a Church of England church or chapel is then registered under the Registration of Places of Worship Act 1855 as a place of worship of another denomination, it can be used for the solemnisation of marriages that are according to the rites of that denomination.²⁵

²¹ [Marriage \(Same Sex Couples\) Act 2013 Explanatory Notes, paragraph 5](#) and Faculty Office, [Special Marriage Licence, Legal Entitlements](#) (accessed 29 November 2022)

²² The Archbishop of Canterbury also has discretion, based on the Ecclesiastical Licences Act 1533, to issue a special licence to allow an Anglican wedding to take place anywhere. This can be used in circumstances where a person is seriously ill and not expected to recover, Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p15.

²³ [Matrimonial Causes Act 1965, section 8\(2\)](#)

²⁴ [Marriage Act 1949, section 5B](#)

²⁵ [Code of Practice on Co-operation by the Church of England with Other Churches issued by the House of Bishops under section 5B of the Church of England \(Ecumenical Relations\) Measure 1988](#), February 2019, paragraph 157

The Church of England may grant permission for a minister of another Christian church to assist in the solemnization of a marriage.²⁶ However, certain aspects of the ceremony must be performed by the Church of England minister.²⁷

The Church of England Diocese of Norwich has published [FAQs](#) which provide further information.²⁸

3.2 Marriage in accordance with the rites of other religions

Religious marriage in a registered building

To be legally valid, a religious marriage (other than marriage according to the rites and ceremonies of the Church of England and the Church in Wales, and Jewish and Quaker marriage) must generally take place in a registered building. This means that the building must have been certified for religious worship and registered for the purposes of marriage.

The [Places of Worship Registration Act 1855](#) provides for places of religious worship to be certified by the Registrar General. A building must be certified as a place of religious worship before it can be registered for marriages by the Registrar General under the Marriage Act 1949.

One year after a building has been registered for the solemnization of marriages, the trustees or governing body can appoint an “authorised person” to attend marriages and sign the marriage schedule without the need for a registrar from the register office to attend.²⁹ Further information is provided at [Places of religious worship and the solemnisation of marriages - GOV.UK \(www.gov.uk\)](#).³⁰

Different religious organisations have their own rules about who is eligible to marry in accordance with their rites.

There is no need to undergo a separate civil ceremony when the marriage is properly conducted in a place of worship registered under the 1949 Act.

²⁶ [Church of England, Canons of the Church of England, section B43](#)

²⁷ Church of England, [Marriage, Notes to the Marriage Service, paragraph 13. Ecumenical Provisions](#) (accessed 29 November 2022)

²⁸ Church of England Diocese of Norwich, [Frequently asked questions](#) (accessed 29 November 2022)

²⁹ HM Passport Office Guidance, [Marriage ceremonies](#), updated 4 May 2021 (accessed 29 November 2022)

³⁰ Gov.UK, [Places of religious worship and the solemnisation of marriages](#), (accessed 29 November 2022)

Marriage not in a registered building

Those who wish to celebrate their marriage in a place of worship, or elsewhere, that has not been registered for marriage must go through an additional civil ceremony in order to be legally married.

3.3

Religious marriage outdoors

Religious marriages conducted in a place of worship cannot be held outdoors at present.³¹

In 2021 the Government launched a consultation on whether all churches and chapels in which Church of England or Church in Wales weddings are held, and all current registrations of certified places of worship as buildings for the solemnisation of marriages under the Marriage Act 1949, should be deemed automatically to include the outdoor areas within the property boundary.³² The Government said it would be a matter for the religious bodies to determine whether weddings could or should be held and if so, at which locations and/or in what circumstances.³³

The Government confirmed this change would not apply to the following religious marriages:

- Jewish and Quaker marriages, and Anglican weddings on the authority of a special licence, which can already take place anywhere; or
- weddings or civil partnership ceremonies under a Registrar General's licence, issued when a person is seriously ill and not expected to recover and cannot be moved to a place ordinarily required by marriage and civil partnership legislation, since there are no statutory restrictions on the location of these weddings.³⁴

93% of respondents to the consultation supported allowing religious marriages to take place outdoors in the grounds of places of worship in which weddings must be held, as long as this was permitted by the respective religious bodies. The Government said every major faith group supported the move, subject to some safeguards:

Religious groups who responded to the consultation noted that while there was no theological obligation to conduct a wedding within the curtilage of a church, these changes must be permissive in nature, and that existing

³¹ Ministry of Justice, [Guidance for couples: outdoor civil marriage and civil partnership ceremonies](#), 6 April 2022. Couples marrying according to the rites and ceremonies of the Jews or Society of Friends may marry anywhere, including outdoors

³² Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021

³³ [Outdoor weddings and civil partnerships consultation launched - GOV.UK \(www.gov.uk\)](#), 20 December 2021 (accessed 30 November 2022)

³⁴ Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p17

protections to safeguard religious freedoms need to remain. All representatives of religious groups who responded to the consultation were in support of this proposal.³⁵

The Government intends, in due course, to put forward a Legislative Review Order³⁶ to allow for outdoor religious weddings as this change would require an amendment to primary legislation.³⁷ The Government proposes that the Order would be subject to the affirmative resolution procedure, requiring the consent of both Houses of Parliament to become law.³⁸

³⁵ [Outdoor civil weddings and civil partnerships made permanent - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/outdoor-civil-weddings-and-civil-partnerships-made-permanent), 15 March 2022 (accessed 30 November 2022)

³⁶ Under the Legislative and Regulatory Reform Act 2006

³⁷ Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p15

³⁸ Ministry of Justice, [Outdoor Marriages and Civil Partnerships \(PDF\)](#), 20 December 2021, p17

4 The Labour Government's proposals (1999-2005)

4.1 Regulation to be based on celebrant and not on building

The Labour Government proposed that couples would be given a greater choice of where to marry, as part of a more general reform of civil registration.

A Consultation Paper published in 1999, "Registration: Modernising a vital service", posed the question, "Should people be able to marry anywhere?". Responses to this question indicated that people wanted freedom to marry in places other than those then approved for marriages.³⁹

A White Paper, [Civil Registration: Vital Change](#), published in January 2002, proposed that regulation of marriage would be based on the celebrant (the person responsible for the solemnization of the marriage) rather than on the building in which the marriage takes place. National standards for civil ceremonies were to set out the criteria to be met in order to ensure that the solemnity and dignity of the occasion were safeguarded.⁴⁰

4.2 Proposals not implemented

The Labour Government originally intended that legislative changes to civil registration would be brought about by using the order-making powers in the Regulatory Reform Act 2001.⁴¹ The proposals were to be implemented in two stages: first those relating to the registration of births and deaths and then, subsequently, those relating to marriage.

However, both the Parliamentary Committees which considered the proposals relating to registration of births and deaths concluded they were

³⁹ CM5355, [Civil Registration: Vital Change – Birth, Marriage and Death Registration in the 21st Century](#), January 2002, p48

⁴⁰ *Ibid*, paragraphs 3.16-21

⁴¹ Most of this Act has now been repealed, with savings, by the Legislative and Regulatory Reform Act 2006

not appropriate for the regulatory reform order procedure.⁴² In March 2005, the Government announced, in the light of the Committees' decision, they no longer intended to put forward a draft Regulatory Reform Order to reform marriage law.⁴³

In November 2005, the General Register Office published a consultation document, [Registration Modernisation](#), which set out proposals for taking forward the modernisation of civil registration. This stated that primary legislation would be needed to enact the proposals to extend the choice of marriage venues available to couples.⁴⁴

⁴² House of Commons Regulatory Reform Committee, [Proposal for the Regulatory Reform \(Registration of Births and Deaths\) \(England and Wales\) Order 2004](#), 20 December 2004, HC 118, and House of Lords Delegated Powers and Regulatory Reform Committee, [Proposal for the draft Regulatory Reform \(Registration of Births and Deaths\) \(England and Wales\) Order 2004](#), 14 December 2004, HL 14

⁴³ [HC Deb 1 March 2005 c77WS](#)

⁴⁴ General Register Office, [Registration Modernisation](#), November 2005, p7

5 Law Commission project on weddings

5.1 Background

Humanist marriage ceremonies

At present, non-religious belief marriage ceremonies (such as humanist marriage ceremonies) do not have legal force and the parties must have an additional ceremony (for example, at a register office) for the marriage to be legally valid.⁴⁵

As required by [section 14 of the Marriage \(Same Sex Couples\) Act 2013](#), in 2014 the Coalition Government consulted on whether the law should be changed to permit legally valid non-religious belief marriage ceremonies, alongside religious and civil ceremonies.⁴⁶ One of the issues on which the consultation asked for views was where such belief marriages, if allowed, should be permitted to take place.

On 18 December 2014, the Coalition Government published its [response](#) to the consultation paper.⁴⁷ This stated the majority of respondents to the consultation were in favour of changing the law to allow legally valid non-religious belief marriage ceremonies to take place, in unrestricted locations.

However, the Coalition Government considered that a number of complex issues had been raised which had implications for marriage solemnization more broadly. For example, outdoor marriage had emerged as a strong theme from the consultation and the Coalition Government was aware that allowing non-religious belief marriages to take place in unrestricted locations might be seen as unfair by others.⁴⁸ It said any broader changes concerning the places where marriages ceremonies may be conducted could not be achieved through the order-making power in section 14 of the 2013 Act, which is limited to making provision for marriages by people in non-religious belief organisations.

The response said the legal and technical requirements of marriage ceremonies and registration in England and Wales should be considered

⁴⁵ Further information is provided in another Library briefing paper, [Humanist Marriage Ceremonies](#), Number 05864

⁴⁶ Ministry of Justice, [Marriages by Non-Religious Belief Organisations](#) (PDF), June 2014

⁴⁷ Ministry of Justice, [Marriages by Non-Religious Belief Organisations: Summary of Written Responses to the Consultation and Government Response](#) (PDF), 18 December 2014

⁴⁸ As above, paragraph 16, p5

before, or at the same time as, making a decision on the issue of non-religious belief ceremonies. The Coalition Government said it would ask the Law Commission to conduct a broader review of the law concerning marriage ceremonies, to begin as soon as possible.⁴⁹

5.2 Law Commission scoping review

In December 2014, the Coalition Government asked the Law Commission to conduct a review of the law governing how and where people can marry in England and Wales. The aim of the review was to consider whether the current law provides a fair and coherent legal framework for enabling people to marry, and to identify areas of the law that might benefit from reform.⁵⁰ At that time the Law Commission's project was called "Marriage law".

In December 2015, the Law Commission published [Getting Married A Scoping Paper](#) (PDF),⁵¹ together with an [Executive Summary](#) (PDF).⁵²

The Law Commission concluded that the law governing how and where couples in England and Wales can marry "is badly in need of reform".⁵³ It found there are many people whose needs and wishes are not met by the current law, and that society's interest in regulating how marriages are solemnized could be better protected. The Commission also concluded that the current law does not provide a coherent framework for enabling people to marry. They found many groups and individuals considered the law was unfair and overly restrictive.⁵⁴

The Law Commission acknowledged the prompt for their involvement had been the consultation on whether humanists and other non-religious belief organisations should be able to solemnize marriages. However, it said, while this was important, this was only one of many issues which should be considered, and it would be unfair to privilege non-religious belief organisations over religious groups:

In particular, it would be very difficult to justify why the fewest restrictions should be applied to the newest category...Many other religious groups would welcome the relative lack of legal regulation currently enjoyed by those marrying according to the usages of Jews and Quakers, and would

⁴⁹ As , paragraphs 19-20, p5

⁵⁰ Law Commission, [Marriage law – outdated and in need of reform](#), 17 December 2015 (accessed 30 November 2022)

⁵¹ [Law Commission, Getting Married A Scoping Paper](#) (PDF), 17 December 2015

⁵² [Law Commission, Getting Married A Scoping Paper Executive Summary](#) (PDF), 17 December 2015

⁵³ Law Commission, [Marriage law – outdated and in need of reform](#), 17 December 2015 (accessed 30 November 2022)

⁵⁴ [Law Commission, Getting Married A Scoping Paper Executive Summary](#) (PDF), 17 December 2015, paragraph 1.3

undoubtedly and justifiably resent non-religious belief organisations being accorded that privilege.⁵⁵

The Law Commission concluded it would not be appropriate to legislate solely for non-religious belief organisations, as this would create further anomalies:

What is needed is a new system that seeks to minimise, rather than multiply, differences in the legal treatment of those authorised to conduct weddings.⁵⁶

The Law Commission considered different models for reform and said its preferred option was for “a new system that provides for greater choice within a simpler legal structure”.⁵⁷

With regard to the location of marriage ceremonies, the Law Commission noted the demand for marriages to be conducted in a wider range of locations.⁵⁸ It considered that providing for this would allow the location of the wedding to be “both cheap and personal”.⁵⁹

5.3 Law Commission project

In June 2019, the Government announced a Law Commission review of the law governing how and where marriages can take place in England and Wales.⁶⁰ The Law Commission’s [full terms of reference](#) (PDF) are available on the Law Commission website.⁶¹

Following consultation,⁶² in July 2022, the Law Commission published a report which outlined recommendations to reform weddings law.⁶³ It proposed “a fairer system that gives couples more choice over where and how their wedding takes place”.⁶⁴

The report covers all the formalities which a couple is required to go through in order to have a legally recognised marriage:

- the preliminaries (also known as giving notice);

⁵⁵ [Law Commission, Getting Married A Scoping Paper](#) (PDF), 17 December 2015, paragraph 3.19

⁵⁶ [Law Commission, Getting Married A Scoping Paper Executive Summary](#) (PDF), 17 December 2015, paragraph 1.46

⁵⁷ As above, paragraph 1.44

⁵⁸ [Law Commission, Getting Married A Scoping Paper](#) (PDF), 17 December 2015, paragraph 1.28

⁵⁹ As above, paragraph 1.32

⁶⁰ Gov.UK, [First ever marriage review to free-up dream wedding venues](#), 28 June 2019 (accessed 30 November 2022)

⁶¹ Law Commission, [Terms of Reference – Weddings Project](#) (PDF), 29 June 2019

⁶² [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020

⁶³ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022

⁶⁴ Law Commission, [Weddings](#) (accessed 30 November 2022)

- 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.⁶⁵

5.4 Law Commission recommendations

The Law Commission said it was recommending “comprehensive reform from the foundations up: an entirely new scheme to govern weddings law”:

Our recommendations will transform the law from a system based on regulation of buildings to one based on regulation of the officiant responsible for the ceremony.

This change will remove the many unnecessary restrictions in the current law. It will also help to address unfairness in the treatment of different groups, who with very few exceptions are treated equally under our recommended scheme.

While offering greater freedoms to couples, the reforms are also designed to preserve the dignity of weddings, to retain important safeguards and to protect the longstanding practices and rules of religious groups.⁶⁶

Among other things, the Law Commission recommended couples could marry in a much wider variety of locations, including:

- outside, in a place unconnected with any building, such as in a forest, on a beach, or in a local park;
- in affordable local venues, such as community centres and village halls, as well as in their own homes;
- in international waters on cruise ships that are registered in the UK.⁶⁷

If permitted by the Government to conduct legally-binding weddings, non-religious belief organisations (such as Humanists) would be able to do so on the same basis as religious organisations.⁶⁸

Information about the Law Commission’s full recommendations and links to associated documents, are available on the Law Commission’s project webpage, [Weddings](#).⁶⁹

⁶⁵ Law Commission, [A New Weddings Law: At-a-glance summary](#) (PDF), 19 July 2022

⁶⁶ As above, p1

⁶⁷ As above, p2

⁶⁸ As above

⁶⁹ Law Commission, [Weddings](#) (accessed 30 November 2022)

Regulation based on officiant

One of the features of the proposed new scheme is that regulation would be based on the officiant rather than on the building in which the wedding takes place. This would enable weddings to take place at a much greater variety of venues than is currently permitted.

The Law Commission recommended all weddings should be attended in person by an officiant. The officiant would be responsible for ensuring that the legal requirements of the ceremony are met and for upholding the dignity and significance of marriage.⁷⁰ The officiant might, but would not necessarily, also conduct the wedding ceremony:

An officiant might also be the person leading the ceremony, but there will be no requirement for the two roles to be combined. It will therefore be possible for another person to lead the ceremony, and that person will not need to be separately authorised. This flexibility is crucial to our aim of seeking to create a single concept of an officiant that would be applicable to all types of weddings.⁷¹

A wedding would either be a civil or a belief ceremony and this would affect the type of officiant who would be involved: officiants would be authorised to officiate at either civil or belief ceremonies, but not both.⁷²

Chapter 4 of the Law Commission's report provides detailed information about the recommendations relating to officiants.

Location of the wedding

The Law Commission said a consequence of moving to an officiant-based scheme is that the location of a wedding would no longer play any role in the regulatory regime governing weddings, so weddings could take place in a much wider range of locations.⁷³ However, this would not mean couples would have the right to get married wherever they choose. The officiant would have to agree the location, and belief organisations could have their own rules:

First, the location will need to be agreed by the officiant, who will have legal responsibility for considering the safety of those attending and the dignity of the location. Second, religious and (if enabled by Government to conduct legally binding weddings) non-religious belief organisations will be able to set their own rules as to where weddings conducted according to their beliefs take place. Religions that wish to ensure that their weddings take place only within their place of worship will therefore be able to do so. For those

⁷⁰ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, July 2022, paras 4.63-4.65

⁷¹ As above, para 4.2

⁷² As above, para 2.5

⁷³ Law Commission, [Celebrating Marriage: A New Weddings Law Summary of Report](#) (PDF), July 2022, p29

religions, our recommendations in relation to location will in fact make no difference to their current practice.⁷⁴

The Law Commission considers its recommendations would solve problems caused by the current law, “which places unnecessary barriers in the way of couples getting legally married”. The risk of a couple having a religious marriage which is not legally recognised would be reduced.⁷⁵

Under the proposed scheme, religious and non-religious belief weddings could take place in secular venues:

This is a considerable benefit of our scheme for religious groups which do not have their own places of worship, cannot feasibly host weddings in their places of worship, or do not see their place of worship as a meaningful place to marry. Moreover, it would be practically impossible, if non-religious belief weddings are permitted, to say that they could not take place in secular venues, as non-religious belief organisations may not have their own distinct venues. In practice, for example, there will necessarily be an overlap in where Humanist ceremonies and civil ceremonies would take place.

More significantly, our scheme is officiant-based, not buildings-based. The officiant, and the source of their authorisation, determines the type of wedding, not where the wedding takes place.⁷⁶

Religious and non-religious belief groups would decide for themselves how their premises are used.⁷⁷

The Law Commission recommended abolishing existing restrictions on where weddings can take place and that weddings could take place anywhere:

We recommend that the existing restrictions on where a wedding can take place should be abolished.

We recommend that all weddings should be legally permitted to take place in any location. In particular,

- (1) civil wedding locations should not have to be publicly accessible or regularly available to the public for the solemnization of civil marriages; and
- (2) there should be no legal prohibitions on the use of religious or non-religious belief venues for any type of wedding.

We recommend that wedding locations should not be required to be pre-approved. Instead, officiants should be responsible for deciding whether to approve the location of each wedding at which they officiate. In deciding whether to approve a location, officiants will be responsible for considering the safety of those attending and the dignity of the location.

⁷⁴ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, July 2022, para 6.3

⁷⁵ Law Commission, [Celebrating Marriage: A New Weddings Law Summary of Report](#) (PDF), July 2022, p29

⁷⁶ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, July 2022, para 6.113

⁷⁷ As above, para 6.116

The General Register Office should provide guidance to officiants on how to assess whether a location is safe and dignified for a wedding.⁷⁸

More detailed information is provided in the Report at Chapter 6: “Location”.

⁷⁸ As above, paras 6.210-213

6 What will happen next?

When it consulted on outdoor marriages and civil partnerships in 2021, the Government stressed the limited nature of the reforms it was proposing to make permanent at that time.⁷⁹ It said it would wait for the Law Commission to report before deciding on more fundamental changes:

The Government is not proposing to extend outdoor ceremonies to weddings and civil partnership ceremonies held in register offices, or to those held in the locations where individuals are ‘housebound’ or ‘detained’ according to the Marriage Act 1949 or Civil Partnership Act 2004. These exceptional locations are permitted in circumstances in which individuals are unable to attend ceremonies in locations otherwise required due to illness, disability or detention in, for example, a prison or secure hospital. The Government is proposing not to do so as it is not aware of any evidence of demand for outdoor ceremonies for these exceptional circumstances and because, the Government will consider the particular circumstances that such reforms would entail as part of its consideration of the Law Commission’s recommendations for fundamental reform of marriage law.

The Government is also not proposing to extend outdoor ceremonies to a more extensive range of outdoor locations i.e. to areas not linked to approved premises or places of worship. This would require more fundamental reform of the law on where marriage and civil partnership ceremonies should be able to take place, including breaking the current link with requirements for the location of marriages that flow from buildings (which is the current approach of marriage and civil partnership law), as well as consideration of comprehensive new approval and regulatory requirements for outdoor spaces. Instead, the Government will carefully consider this wider ranging reform after the Law Commission provides its recommendations.⁸⁰

The Government said the reform on which it was consulting would “act as a stepping-stone towards later and more comprehensive and durable reform following the Law Commission’s recommendations, should the government decide to undertake such reform”.⁸¹

The Government reiterated this position in its 2022 response to the consultation:

The Government remains committed to considering further and more fundamental reform in this area once the Law Commission’s report is published in July 2022, which will contain detailed recommendations for a revised scheme for marriages which will be fair to all groups. We expect the

⁷⁹ See section 2.2 of this briefing paper

⁸⁰ Ministry of Justice, [Outdoor Marriages and Civil Partnerships](#) (PDF), 20 December 2021, p17

⁸¹ [Outdoor marriages and civil partnerships - Ministry of Justice - Citizen Space](#) (accessed 30 November 2022)

report to include proposals which would remove the link between marriages and the buildings in which they may currently be solemnised, including recommendations for a new framework that could allow non-religious belief organisations (such as Humanists) and/or independent celebrants to conduct legally binding weddings. The Government will carefully consider the Law Commission's report and will decide on future reform, including in relation to humanist marriage, in light of those recommendations.⁸²

In September 2022, Steve Baker (Conservative) asked, with reference to the Law Commission's report, whether the Government would implement the Commission's recommendations on removing restrictions on venues where civil and religious marriages can take place. The Government said it would publish a response to the consultation in due course:

The Law Commission report contains 57 recommendations for wholesale legislative reform. We must now take the time to consider the report recommendations fully. As has been set out in Parliament, marriage will always be one of our most important institutions, and we have a duty to consider the implications of any changes to the law in this area very carefully. We will publish a response to the report in due course.⁸³

⁸² Ministry of Justice, Consultation response, [Outdoor marriages and civil partnerships](#) (PDF), 22 March 2022, p30

⁸³ [PQ 45488 \[on Marriage: Location\]](#), 7 September 2022

7

Marriage venues in Scotland

[Marriage in Scotland - mygov.scot](#) provides information about where a marriage ceremony may be held in Scotland:

There are 2 different types of marriage ceremony you can have in Scotland:

- civil ceremony – can take place in a registration office or anywhere agreed with the registrar, except religious premises
- religious or belief ceremony – can take place anywhere by someone approved to conduct a ceremony

Check with the religious or belief body that they will marry you.⁸⁴

A National Records of Scotland leaflet, [Marriage in Scotland](#) (PDF), summarises the requirements for a marriage in Scotland.⁸⁵

⁸⁴ Mygov.scot, [Marriage in Scotland](#) (accessed 30 November 2022)

⁸⁵ National Records of Scotland, [I Want to Get Married in Scotland. How Do I Go About It?](#) (accessed 30 November 2022)

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