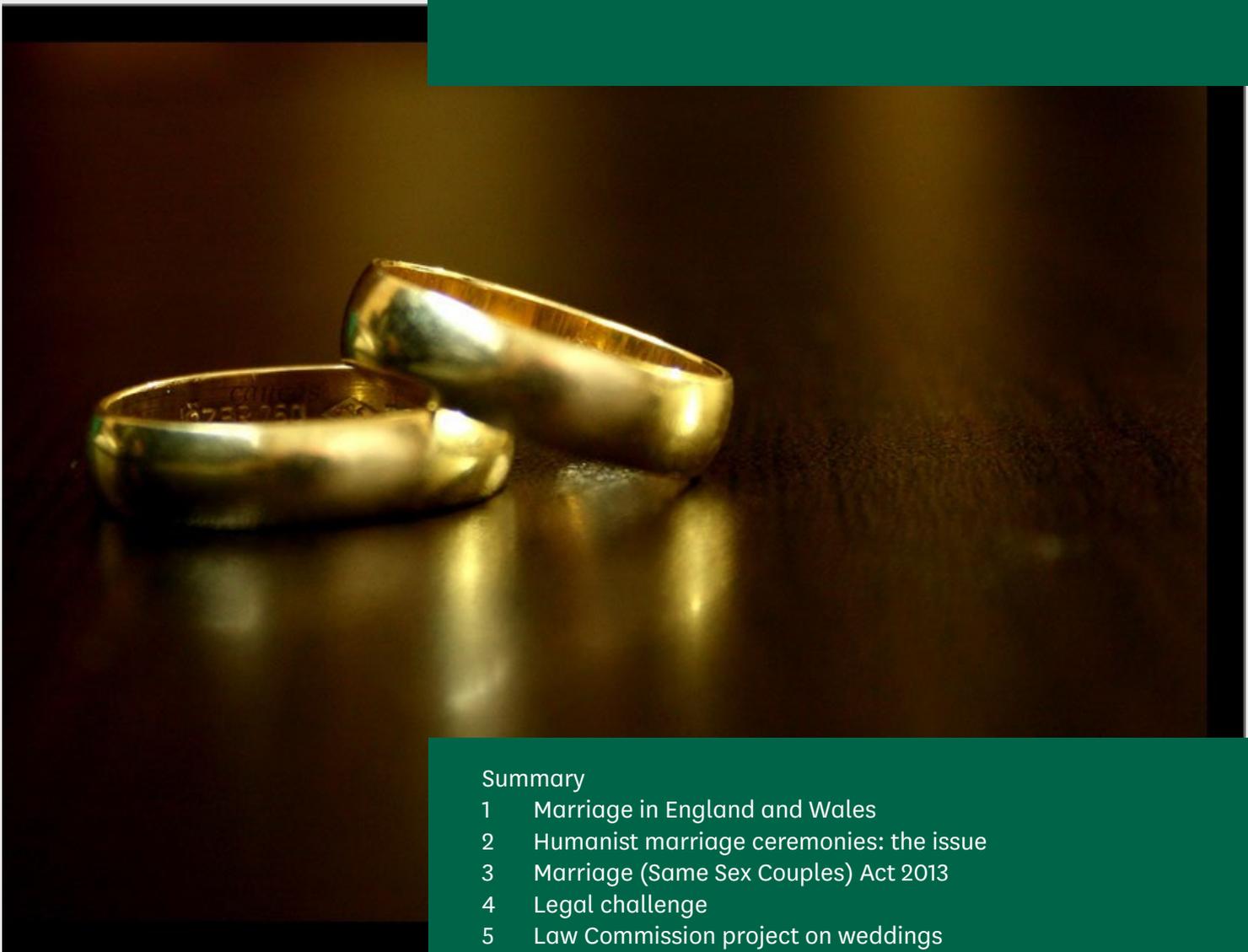


Research Briefing

20 April 2023

By Catherine Fairbairn

Humanist marriage ceremonies in England and Wales



Summary

- 1 Marriage in England and Wales
- 2 Humanist marriage ceremonies: the issue
- 3 Marriage (Same Sex Couples) Act 2013
- 4 Legal challenge
- 5 Law Commission project on weddings
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Summary

Current position in England and Wales

The law in England and Wales permits both civil marriage and religious marriage. However, there is no specific provision for marriages to be conducted according to any non-religious system of belief, such as humanism. At present, therefore, it is not possible to have a legally binding humanist marriage in England and Wales. This means parties to a humanist marriage ceremony must have an additional ceremony (for example, at a register office) for the marriage to be legally valid.

[Humanists UK has campaigned](#) for equal treatment for humanists and religious people and for the law to be changed to allow humanist celebrants to conduct legal marriages.

Coalition Government consultation

Following calls for legislation to facilitate humanist marriage, the [Marriage \(Same Sex Couples\) Act 2013](#) provided for a review of whether the law should be changed to permit marriage according to the usages of non-religious belief organisations, to include a full public consultation, with a report of the outcome to be published by the end of 2014. This Act also gives the Secretary of State power to make provision, by order, permitting marriages according to the usages of belief organisations.

Accordingly, in 2014, the Ministry of Justice conducted a [public consultation](#). 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, 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 this issue.

Law Commission project

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's initial scoping review of marriage law found there was

[a need for a wholesale review of the law in this area](#). The Commission considered that legislating solely to allow non-religious belief organisations to solemnize marriages [would not solve any of the other problems in the current law and would not achieve certainty, simplicity, fairness or equality](#) (PDF).

The Law Commission's [terms of reference](#) (PDF) for their project provided that they would not make recommendations as to whether the groups who can solemnize marriages should be expanded. However, the Law Commission was required to consider how a new system **could** include weddings conducted by non-religious belief organisations and independent celebrants, if the Government decided that the law should allow these groups to perform legally binding weddings.

Following [consultation](#) (PDF), in July 2022, the Law Commission published a [report](#) (PDF) which set out recommendations to reform weddings law. The Law Commission said it was recommending "[comprehensive reform from the foundations up: an entirely new scheme to govern weddings](#)". 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, as at present.

The recommendations would enable non-religious belief organisations, such as humanists, to conduct legally binding weddings, on the same basis as religious organisations, if the Government decides to enable non-religious belief organisations to do this. Officiants could be nominated by non-religious belief organisations.

Government position

The Government is considering wholesale reform of marriage law rather than piecemeal reform relating only to humanist marriage, which might create further anomalies.

The Government [has said](#) it will consider the Law Commission's recommendations and hopes to be able to publish an initial response in the first part of 2023. It [has declined](#), meanwhile, to lay an Order under the Marriage (Same Sex Couples) Act 2013 on an interim basis pending further reform of marriage law.

Support for reform

The [All-Party Parliamentary Humanist Group](#) (PDF) and the [Welsh Government](#) are among those who have supported calls for reform of the law. There have been [calls for interim reform](#) without waiting for any legislation which results from the Law Commission's recommendations. In January 2022,

53 members of both Houses wrote to the Lord Chancellor [urging immediate legal recognition of humanist marriages](#).

Legal challenge

In July 2020, the High Court [dismissed a judicial review claim](#), brought by six couples identifying as humanists, in respect of the Secretary of State for Justice's failure to provide for state recognition of humanist marriages under English law. They contended, on human rights grounds, that the legislation providing for the legal recognition of marriage in England is unjustifiably discriminatory.

Mrs Justice Eady found that, although the law treats humanists differently from those with religious beliefs, addressing the differences in treatment would not be straightforward. She said this justified the Secretary of State's aim of considering the appropriate remedy as part of a more wholesale reform. Taking into account the on-going review of the law of marriage, Mrs Justice Eady held that, at that time, the Secretary of State had demonstrated that a fair balance had been struck between the individual rights of the couples and those of the broader community.

Position in Scotland and Northern Ireland

Legally recognised humanist marriages can take place in Scotland.

Humanist celebrants may be authorised to solemnize civil marriages in Northern Ireland. In July 2022, following [consultation](#), the Northern Ireland Finance Minister, Conor Murphy, [announced](#) that preparations would be made to change the law to put belief marriage on an equal footing with religious marriage. He said it would only be possible to bring forward and enact this legislation once there is a functioning Assembly and Executive.

1 Marriage in England and Wales

The [Marriage Act 1949](#) (as amended) provides for:

- civil marriage;
- marriage according to the rites and ceremonies of the Church of England and the Church in Wales;
- 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. Marriages must usually take place at 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 situated,¹ or, where relevant, in the linked outdoor areas of approved premises;²
- 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;
- 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 may marry anywhere, including outdoors;

¹ In accordance with the [Marriages and Civil Partnerships \(Approved Premises\) Regulations 2005](#), SI 2005/3168, as amended (only original version available on legislation.gov.uk)

² In accordance with the [Marriages and Civil Partnerships \(Approved Premises\) \(Amendment\) Regulations 2022](#), SI 2022/295

- marriage can sometimes take place at the residence of someone who is housebound, detained or terminally ill.

There are various conditions surrounding a 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.

Another Library briefing paper provides further information, [Marriage venues - House of Commons Library \(parliament.uk\)](#).³

³ CBP-02842

2 Humanist marriage ceremonies: the issue

2.1 Current position

When conducted in accordance with the relevant legislation, the law permits both civil marriage and religious marriage. However, there is no specific provision for marriages to be conducted according to any non-religious system of belief, such as humanism.

At present, therefore, 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.

The charity, [Humanists UK](#)⁴ provides non-legally binding humanist marriage ceremonies in England and Wales.⁵ In May 2019, it said it conducted more than 1050 weddings a year.⁶

2.2 Humanists UK's campaign for change

Humanists UK believes that humanists should have the option to be married by someone who shares their values and beliefs, as they can in other countries.⁷ The organisation has campaigned for the law to allow humanist celebrants to conduct legal marriages. It has called for equal treatment for humanists and religious people, pointing out that this is already the position in Scotland, Northern Ireland, Jersey and Guernsey (among other places):

Weddings conducted by a humanist celebrant can be performed in any part of the UK or crown dependencies, but they don't come with legal recognition in England, Wales, or the Isle of Man. This is discriminatory, because religious people have a choice between being married by a civil registrar or being married by a representative of their religion who shares their approach to life, but those wanting a humanist wedding also have to have a separate civil marriage in order to be legally married. This causes additional expense and an administrative burden that religious couples don't have to face, but more than that, couples often complain that the wedding ceremony they see as their

⁴ [Humanists UK is the operating name of the British Humanist Association](#) (accessed 20 April 2023)

⁵ Humanists UK, [Humanist weddings](#) (accessed 20 April 2023)

⁶ [Humanists UK wedding numbers continue to grow, show new figures » Humanists UK](#), 16 May 2019 (accessed 20 April 2023)

⁷ Humanists UK, [Legal recognition of humanist marriages](#) (accessed 20 April 2023)

‘real’ marriage ceremony is not the one recognised in law as when they become legally married.⁸

The Humanist UK website sets out how it has campaigned for change.⁹

In 2014, the Coalition Government said, “whilst the BHA¹⁰ has been the most active in campaigning for a change in the law, there may be other non-religious belief organisations who would wish to conduct marriage ceremonies”.¹¹

⁸ As above

⁹ As above

¹⁰ British Humanist Association, now operating under the name Humanists UK

¹¹ Ministry of Justice, [Marriages by Non-Religious Belief Organisations](#) (PDF), 26 June 2014, p17

3

Marriage (Same Sex Couples) Act 2013

The issue of whether the [Marriage \(Same Sex Couples\) Act 2013](#) should permit marriage according to the usages (customs) of non-religious belief organisations, and specifically whether it should facilitate humanist marriage, in addition to civil marriage and religious marriage, was debated in both Houses when the preceding Bill was being considered.¹²

Although the Coalition Government resisted earlier proposed amendments, at Report stage in the House of Lords, the Government's own amendments were agreed without a vote.¹³ Baroness Stowell of Beeston, who was then Lords Spokesperson for Women and Equalities, said that she had recognised the strength of feeling on the issue.¹⁴

Accordingly, the [Marriage \(Same Sex Couples\) Act 2013](#) provided for a review of whether the law should be changed to permit marriage according to the usages of non-religious belief organisations, to include a full public consultation, with a report of the outcome to be published by the end of 2014.¹⁵

This Act also gives the Secretary of State power to make provision, by order, permitting marriages according to the usages of belief organisations. Any such order may amend any England and Wales legislation, both primary and secondary.

3.1

Coalition Government consultation

In June 2014, the Ministry of Justice launched a consultation, [Marriages by Non-Religious Belief Organisations](#) (PDF).¹⁶

The consultation asked for views on various issues, including:

- whether there was a substantial case for changing the law to establish non-religious belief ceremonies which would allow a third type of legal ceremony, alongside religious and civil ceremonies, for getting married in England and Wales;

¹² See, for example, [Marriage \(Same Sex Couples\) Bill Committee Stage Report - House of Commons Library \(parliament.uk\)](#), RP 13/22, pp14-15.

¹³ [HL Deb 10 July 2013 c302](#) (amendment 90)

¹⁴ [HL Deb 8 July 2013 c92](#)

¹⁵ [Marriage \(Same Sex Couples\) Act 2013 section 14](#)

¹⁶ Ministry of Justice, [Marriages by Non-Religious Belief Organisations](#) (PDF), 26 June 2014

- which organisations, other than humanists, could be capable of meeting the definition of a belief organisation, set out in section 14, as “an organisation whose principal or sole purpose is the advancement of a system of non-religious beliefs which relate to morality or ethics”, and whether the definition was appropriate;
- where, if allowed, such marriages would take place;
- if the law was changed, which safeguards would be needed to deal with any resulting risks and to protect the status and dignity of marriage;
- whether tests should be introduced that a belief organisation would have to meet before its celebrants could be authorised to solemnise marriage, and if so, what those tests might be; and
- the equality impacts of the proposed options on marrying couples with protected characteristics.

The consultation paper also outlined what a legally valid belief marriage ceremony might have to include and considered who should be able to marry in such a ceremony.

3.2 Coalition Government response to consultation

On 18 December 2014, the Coalition Government published its [response](#) (PDF) to the consultation paper.¹⁷ This said there had been 1,901 written responses to the consultation, the majority of which appeared to be from humanists or supporters of the BHA, with many individual respondents appearing to have used a BHA guide to answering the consultation questions. The majority of those responding supported a change in the law to allow legally valid non-religious belief marriage ceremonies, in unrestricted locations, alongside religious and civil marriage ceremonies in England and Wales.¹⁸

However, the Coalition Government considered 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. The Government was aware that allowing only non-religious belief marriages to take place in unrestricted locations might be seen as unfair by people marrying in other types of ceremony. It said the order-making power in section 14 of the 2013 Act, which is limited to making provision for marriage by people in non-religious belief organisations, would

¹⁷ Ministry of Justice, [Marriages by Non-Religious Belief Organisations: Summary of Written Responses to the Consultation and Government Response](#), (PDF) 18 December 2014

¹⁸ As above, paras 4-9

not authorise any broader changes concerning the places where marriages ceremonies may be conducted.¹⁹

The Coalition Government did not consider there was any option which could be implemented immediately that would provide for complete equality of treatment between those with religious beliefs, those with humanist or other non-religious beliefs, and couples more generally.²⁰

The Government also wanted to consider further how to manage risk through the use of qualifying criteria, particularly in relation to preventing sham and forced marriages, inappropriate ceremonies, and the commercialization of marriage solemnization.²¹

The response stated the legal and technical requirements of marriage ceremonies and registration in England and Wales should be considered before, or at the same time as, making a decision on the issue of non-religious belief ceremonies:

We think it is important that we take the opportunity to consider all these issues together. We wish to avoid any negative consequences that may result from undertaking further piecemeal legislation.²²

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.²³

¹⁹ As above, para 16

²⁰ As above, para 7

²¹ As above, para 17

²² As above, para 19

²³ As above, para 20

4 Legal challenge

In July 2020, the High Court dismissed a judicial review claim, brought by six couples (the claimants) identifying as humanists, in respect of the Secretary of State for Justice's failure to provide for state recognition of humanist marriages under English law.²⁴

4.1 The claim

The claimants contended that the legislation providing for the legal recognition of marriage in England gives rise to unjustified discrimination in the exercise of their rights under the European Convention on Human Rights and therefore breaches the Human Rights Act 1998.

4.2 Defence arguments

The Secretary of State for Justice (Defendant) resisted the claim, contending that the system of marriage permitted under English law provided the couples with a legally recognised, non-religious ceremony that was sufficiently capable of accommodating their wishes and beliefs. He said, even if there was any difference in treatment between the claimants and their religious comparators, the measures under challenge were objectively and reasonably justified, not least given the ongoing consideration of reform in this area.²⁵

4.3 The decision

Mrs Justice Eady dismissed the claim. She found that, although the law treats humanists differently from those with religious beliefs, addressing the differences in treatment would not be straightforward. She said this justified the Secretary of State's aim of considering the appropriate remedy as part of a more wholesale reform. Taking into account the on-going review of the law of marriage, Mrs Justice Eady decided, at that time, the Secretary of State

²⁴ [Harrison and Ors, R \(On the Application Of\) v Secretary of State for Justice \[2020\] EWHC 2096 \(Admin\)](#), para 49

²⁵ [Harrison and Ors, R \(On the Application Of\) v Secretary of State for Justice \[2020\] EWHC 2096 \(Admin\)](#) paras 1-4. The Law Commission's review of weddings law is dealt with in section 5 of this briefing paper

had demonstrated a fair balance had been struck between the individual rights of the couples and those of the broader community:

The Claimants' challenge is to the Defendant's failure to extend legal recognition to humanist marriages. That failure has, however, to be seen in context. This is an area of social policy where a margin of judgment is properly to be allowed. Although that does not mean that taking no action would be justified, or that the balance might not shift over time, addressing the differences in treatment identified by the Claimants would not be straightforward and this justifies the aim of considering the appropriate remedy as part of a more wholesale reform. Although I may deprecate the delay that has occurred since 2015, I cannot ignore the fact that there is currently an on-going review of the law of marriage in this country that will necessarily engage with the wider concerns that have been raised. Given these circumstances, at this time, the Defendant has demonstrated that a fair balance has been struck between the individual rights of the Claimants and those of the broader community.²⁶

Mrs Justice Eady noted the Law Commission's view that there should not be piecemeal reform:

... I am bound to note that the Law Commission concurred with the Government's view, that reform was needed on a wholesale, rather than piecemeal, basis, concluding (see paragraph 1.50 of the Law Commission's Scoping Paper):

... the answer cannot be simply to exercise the order-making power contained in section 14(4) of the Marriage (Same Sex Couples) Act 2013 to enable non-religious belief organisations to solemnize marriages. That is not to say that the law should not be reformed to accommodate marriages by non-religious belief organisations; but any steps to do that need to take place alongside a broader updating of the law of marriage that seeks to address a number of long-standing problems."²⁷

Mrs Justice Eady said, despite the complexity of removing the discrimination, it was not open to the Secretary of State just to "sit on his hands":

Acknowledging that the removal of discrimination may be complex cannot, of itself, make a failure to address that discrimination a legitimate aim; it cannot be open to the Defendant to simply sit on his hands because taking steps to address a discriminatory difference in treatment impacting upon one group may give rise to issues relating to others.²⁸

²⁶ As above, para128

²⁷ As above, para 116

²⁸ As above, para 111

5 Law Commission project on weddings

5.1 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.²⁹

In December 2015, the Commission published [Getting Married A Scoping Paper](#) (PDF),³⁰ together with an [Executive Summary](#) (PDF).³¹

The Law Commission concluded there was a need for a wholesale review of the law relating to how and where people get married.³² 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 the current law does not provide a coherent framework for enabling people to marry. They found that many groups and individuals felt the law was unfair and overly restrictive.³³

The Law Commission acknowledged that 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.³⁴

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”.³⁵ The Commission said to legislating solely for non-religious belief organisations would create further anomalies:

Non-religious belief organisations tend not to have buildings that could be registered for the solemnization of marriages. This means they could not fit easily into the current buildings-based system. They are not analogous to Jews

²⁹ Law Commission, [Marriage law – outdated and in need of reform](#), 17 December 2015 (accessed 20 April 2023). At that time the Law Commission's project was called “Marriage law”.

³⁰ [Law Commission, Getting Married A Scoping Paper, \(PDF\) 17 December 2015](#)

³¹ [Law Commission, Getting Married A Scoping Paper Executive Summary, \(PDF\) 17 December 2015](#)

³² Law Commission, [Weddings](#) (accessed 20 April 2023)

³³ [Law Commission, Getting Married A Scoping Paper Executive Summary, \(PDF\) 17 December 2015, para 1.3](#)

³⁴ As above, para 1.9

³⁵ As above, para 1.44

and Quakers, whose current position in marriage law arose from their historically distinctive practices, tight self-regulation and small numbers. Non-religious belief organisations would have to be treated as a new exception, which would create further anomalies and potentially an increased perception of unfairness depending on how they were regulated. 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.

Further, legislating solely to allow non-religious belief organisations to solemnize marriages would not solve any of the other problems in the current law. In terms of according with the principles outlined above, we suggest that this option would not achieve certainty and simplicity, nor fairness and equality³⁶

The Law Commission said it would be anomalous and unfair to privilege non-religious belief organisations over religious groups which are subject to greater legal regulation:

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 undoubtedly and justifiably resent non-religious belief organisations being accorded that privilege.³⁷

Consequently, the Commission considered activating the order-making power in the Marriage (Same Sex Couples) Act 2013, to permit marriages according to the rites of non-religious belief organisations, was not a “viable option”.³⁸

5.2 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.³⁹

The Law Commission’s [full terms of reference](#) (PDF) are available on the Law Commission website.⁴⁰ They provide that the Law Commission “will not make recommendations as to whether the groups who can solemnize marriages should be expanded”. However, the terms of reference did require the Law Commission to consider how a new system **could** include weddings conducted by non-religious belief organisations and independent celebrants,

³⁶ As above, paras 1.46-1.47

³⁷ [Law Commission, Getting Married A Scoping Paper](#), (PDF) 17 December 2015, para 3.19

³⁸ As above, para 3.20

³⁹ [First ever marriage review to free-up dream wedding venues - GOV.UK \(www.gov.uk\)](#), 28 June 2019 (accessed 20 April 2023)

⁴⁰ Law Commission, [Terms of Reference – Weddings Project](#) (PDF), 29 June 2019

if it were decided that the law should allow these groups to perform legally binding weddings.⁴¹

5.3 Law Commission recommendations

Following consultation,⁴² in July 2022, the Law Commission published a report which set out recommendations to reform weddings law.⁴³ It proposed “a fairer system that gives couples more choice over where and how their wedding takes place”.⁴⁴ The Law Commission said it was recommending “comprehensive reform from the foundations up: an entirely new scheme to govern weddings law”.⁴⁵

The recommendations would enable non-religious belief organisations, such as humanists, to conduct legally binding weddings, on the same basis as religious organisations, if the Government decides to enable non-religious belief organisations to do this:

As regards belief ceremonies – a term we use to refer collectively to religious and non-religious belief ceremonies – the same legal rules will apply, as far as possible, to all beliefs.⁴⁶

The Law Commission said the recommended new scheme would address fairness issues which might arise from piecemeal reform relating only to humanist weddings:

By transforming the law from the foundations up, our recommendations answer the difficult questions of fairness that would arise in making unique provision for Humanist weddings within the current buildings-based scheme. We recommend a scheme that will place all weddings on a level playing field: whether a civil, religious, or (if enabled) non-religious belief wedding, all will be able to take place in the form agreed between the parties and the officiant, and all will be able to take place in any type of location, subject to the agreement of the officiant considering safety and dignity. Our recommendations remove the unfairness in the current law, which limits some couples more than others in where and how they can marry. Our recommendations also prevent any unfairness from arising if provision is made in the law for Humanist weddings, in contrast to the difference in treatment that would arise with piecemeal reform.⁴⁷

⁴¹ [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020, paras 5.8-5.9

⁴² [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020

⁴³ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022

⁴⁴ Law Commission, [Weddings](#) (accessed 20 April 2023)

⁴⁵ As above

⁴⁶ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022, para 2.3

⁴⁷ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022, para 1.68

Information about the Law Commission’s recommendations and links to associated documents, are available on the Law Commission’s project webpage, [Weddings](#).⁴⁸

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, among other things, that the legal requirements of the ceremony are met and for upholding the dignity and significance of marriage.⁴⁹ The officiant might, but would not necessarily, also lead the wedding ceremony.⁵⁰

The Law Commission said the concept of officiant would be capable of accommodating weddings conducted by non-religious belief organisations and independent celebrants should the Government decide to enable them to conduct legal weddings.⁵¹

The law would set out the role and responsibilities of officiants and who could act in that role. One category of officiant would be “nominated officiant”, which could include humanist officiants:

These are officiants who will be nominated by religious organisations (other than the Anglican church) and, if enabled by Government, non-religious belief organisations. Nominations will be made by the organisation’s governing authority, which will be required to ensure that those nominated are “fit and proper” persons to be officiants, by being of good character; not having been convicted of any offence determined by the General Register Office as preventing a person from being “fit and proper” to be an officiant; being at least 18 years old; having undertaken training on the legal aspects of being an officiant; and understanding the legal requirements for being an officiant and performing the role.⁵²

A wedding would either be a civil or a belief ceremony and its type would be determined based on the identity of the officiant: officiants would be authorised to officiate at either civil or belief ceremonies, but not both.⁵³

⁴⁸ Law Commission, [Weddings](#) (accessed 20 April 2023)

⁴⁹ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, July 2022, paras 4.63-4.65

⁵⁰ As above, para 4.2

⁵¹ As above, para 4.7

⁵² Law Commission, [Celebrating Marriage: A New Weddings Law. Summary of Report](#) (PDF), p23

⁵³ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, July 2022, para 2.5

No prescribed words

The couple would be required to express consent to be married, in the presence of each other, the officiant and the witnesses, in advance of signing the schedule or marriage document. However, the law would not prescribe how consent should be expressed in a belief ceremony:

In a belief ceremony – that is, a ceremony officiated by a member of the Anglican clergy or a nominated officiant – there will be no legal requirement as to how the couple express consent, as long as they do so clearly (although belief organisations will be able to require their officiants to follow their own requirements). Consent will be able to be expressed by words or actions.⁵⁴

Beyond the expression of consent, there would be no specific requirements as to the form of the ceremony which would be agreed by the couple and their officiant.⁵⁵ There would still be some restraints:

While our reforms will give couples much greater choice about where their weddings can take place and the form and content of their ceremonies, that choice is not unrestrained. For all weddings, our recommendations ensure that the dignity and safety of the ceremony is protected. Beyond that, religious organisations and (if enabled by Government to conduct weddings) non-religious belief organisations will be able to impose their own requirements as to where weddings overseen by their officiants take place, and as to the form and content of their ceremonies. ...⁵⁶

5.4

What will happen next?

The Government has said it will consider the Law Commission's recommendations and hopes to be able to publish an initial response in the first part of 2023.⁵⁷ It has declined, meanwhile, to lay an Order under the Marriage (Same Sex Couples) Act 2013 on an interim basis pending further reform of marriage law.⁵⁸

In November 2022, Lord Bellamy, Parliamentary Under-Secretary of State for Justice, summarised the Government's position:

... in a nutshell, the Government's position is that to lay an order under the 2013 Act solely in favour of humanists would discriminate against other groups—Muslims, Sikhs, Hindus and so forth—in permitting them to have a particular form of marriage not available to other groups. The Government's position is that we must go forward together and solve the whole problem.⁵⁹

⁵⁴ Law Commission, [Celebrating Marriage: A New Weddings Law. Summary of Report](#) (PDF), p26

⁵⁵ As above, p27

⁵⁶ As above, p5

⁵⁷ [HL Deb 29 November 2022 c1667](#)

⁵⁸ [HL PQ 2156 \[on Marriage: Humanism\], 20 September 2022](#)

⁵⁹ [HL Deb 29 November 2022 c1668](#)

6 Support for reform

6.1 All-Party Parliamentary Group report

In May 2018, the All-Party Parliamentary Humanist Group published a report, [Any lawful impediment?](#) (PDF).⁶⁰ Among other things, this called on the Government to lay an Order under Section 14 of the Marriage (Same Sex Couples) Act 2013 that would provide for the legal recognition of marriages conducted by Humanists UK.

6.2 Welsh Government support for reform

On 20 October 2021, Mick Antoniw MS, Counsel General and Minister for the Constitution, said the Welsh Government supported the Law Commission's proposals for a framework that would allow non-religious belief organisations to conduct legally binding weddings.⁶¹

In September 2021, Alex Chalk, who was then Parliamentary Under-Secretary of State for Justice, said the Government had received “a number of representations about making separate provision for humanist marriage in England and Wales”. He confirmed the Ministry of Justice is responsible for marriage law in England and Wales and had not made an assessment of the merits of enabling Senedd Cymru to legalise humanist marriages.⁶²

6.3 Private Members' Bills

Private Members' bills introduced in the House of Commons ([Marriage \(Authorised Belief Organisations\) Bill 2019-21](#)) and the House of Lords ([Marriage \(Approved Organisations\) Bill \[HL\] 2019-21](#)) would have permitted authorised belief organisations to solemnise marriages. Neither bill made any further progress.

⁶⁰ All-Party Parliamentary Humanist Group, '[Any lawful impediment?](#)' (PDF), 2018

⁶¹ Plenary (20 October 2021), [Humanist Marriages](#)

⁶² [PQ 38359 \[on Marriage: Humanism\], 6 September 2021](#)

6.4

Westminster Hall debate

On 27 January 2022, there was a Westminster Hall debate on humanist marriages.⁶³ Leading the debate, Crispin Blunt (Conservative, then Co-Chair of the All Party Parliamentary Humanist Group) spoke of support on this issue from “a broad section of the political spectrum”.⁶⁴ With others, he called for immediate reform:

Today, 53 members of both Houses have written to the Lord Chancellor urging immediate legal recognition of humanist marriages, in the light of the recent move to recognise outdoor civil and religious marriages, which, as I will explain, has removed the last vestige of the arguments put forward by the Government for not getting on with what would be a welcome reform for so many people in our country.⁶⁵

Crispin Blunt considered the legal recognition of outdoor civil marriages, on a temporary basis,⁶⁶ negated the Government’s argument that reform should not be piecemeal.⁶⁷

Andy Slaughter, Shadow Solicitor General, confirmed his party’s support:

Labour has pledged to give legal recognition to humanist marriage, and that has been its consistent position for many years now.⁶⁸

Tom Pursglove, who was then Parliamentary Under-Secretary of State for Justice, reiterated the Government’s intention to wait until the Law Commission had completed its fundamental review of marriage law⁶⁹ before deciding how to proceed:

As part of the review, the Law Commission will consider how marriage by humanist and other non-religious belief organisations could be incorporated into a revised or new scheme that is simple, fair and consistent for all groups. Legislating to allow humanist marriages now would pre-empt the Law Commission’s report, which is expected to provide a framework that could allow for humanist weddings. Although I recognise the frustration that many have felt while waiting for the publication of the Law Commission’s report, it is right that we do this properly through a wholesale reform of marriage law, which can provide for humanist marriage while preventing disparity from being created with other groups.⁷⁰

Tom Pursglove said the Government had moved more quickly on facilitating outdoor civil marriage because of the effect of the pandemic:

⁶³ [HC Deb 27 January 2022 cc419-442WH](#)

⁶⁴ [HC Deb 27 January 2022 c419WH](#)

⁶⁵ As above

⁶⁶ This change was subsequently made permanent following consultation

⁶⁷ See sections 3 and 4 of this briefing paper for further information

⁶⁸ [HC Deb 27 January 2022 c436WH](#)

⁶⁹ See section 5 of this briefing paper

⁷⁰ [HC Deb 27 January 2022 c439WH](#)

Separately, since July 2021, couples have been able to have their civil marriage and civil partnership proceedings in the open air in the grounds of buildings such as stately homes and hotels that are approved, or become approved, for civil ceremonies. Outdoor ceremonies were made possible because the Government laid a statutory instrument at significant pace when covid was at a peak in order to give couples more choice of settings, and to support the wedding and civil partnership sector. I think all of us would recognise that that was an important step to take in the context of the pandemic when individuals did of course still want to get married and when there were important considerations for businesses up and down the country. That was the right thing to do.

... Some have said that was an example of piecemeal reform, but that is not the case. It was a measured response to the most significant public health crisis this country has faced, allowing couples and their loved ones to celebrate their special days safely.⁷¹

Crispin Blunt considered reform should be implemented more quickly than the Government intended, and by alternative means:

As my hon. Friend continues his consideration of this area, let us get immediate relief to all the tens of thousands of people who are potentially engaged in this issue before there is conceivably time for primary legislation to be passed to address marriage reform in substance. There are loads of interesting things we can do. We can do the statutory instrument. We know that we can do these things at pace. I cannot see the public policy concerns that we should not get this done for the next two or three years for all those people who want to take advantage of it. ...

... If we have to wait for the Law Commission response and the Government response, and then for the Government to present primary legislation to Parliament and for Parliament to pass it, an awful lot of people will not be able to exercise the freedoms that he and I should want for them and would support. This really is urgent. It could be done in isolation, before the Law Commission reports ...⁷²

6.5

Church of England position

In November 2022, the Bishop of St Albans confirmed in the House of Lords, “those of us on this Bench in principle have no problem at all with humanist weddings”.⁷³ He asked whether reform could be achieved most easily “by following the historical precedent established with Jewish and Quaker weddings rather than adopting the overtly complex recommendations of the Law Commission’s report”. Lord Bellamy replied that the Government had to consider in detail the Law Commission report.

Lord Griffiths of Burry Port (Labour), a Methodist minister, said “Can [the Minister] understand the predicament of those of us of religious

⁷¹ [HC Deb 27 January 2022 c440WH](#)

⁷² [HC Deb 27 January 2022 c442WH](#)

⁷³ [HL Deb 29 November 2022 c1669](#)

persuasion ... in that it would be an addition to the richness and value of the ceremonies we produce?”⁷⁴

⁷⁴ [HL Deb 29 November 2022 c1670](#)

7

The position in Scotland and Northern Ireland

Scotland

Legally recognised humanist marriages can take place in Scotland. In 2020, the Law Commission set out information about how the law had been reformed in Scotland:

Scotland has recently reformed its law, in the Marriage and Civil Partnership (Scotland) Act 2014. Rather than having separate preliminaries for Church of Scotland weddings, Scots law provides for universal civil preliminaries, using a schedule system which combines a couple's authority to marry and the document for the registration of their marriage. There are no restrictions on where religious (or non-religious belief) weddings can take place, and the rules for civil weddings allow for weddings to take place outdoors.⁷⁵ It operates an organisational model, in which approved celebrants belonging to both religious bodies and non-religious belief bodies conduct legal weddings. Civil weddings continue to be conducted by district or assistant registrars.⁷⁶

Northern Ireland

Humanist celebrants may be authorised to solemnize civil marriages. This follows a 2018 Court of Appeal decision on humanist weddings.⁷⁷

In November 2021, the Northern Ireland Department of Finance launched a public consultation on marriage law.⁷⁸ One of the issues it covered was the inclusion of 'belief marriage' (marriage solemnised by a celebrant who subscribes to a non-religious philosophy such as humanism) in marriage law, on a permanent basis:

Changing the marriage laws to include belief marriage will put belief marriage on an equal footing with religious marriage. This follows the judgments of the High Court and the Court of Appeal in the case of *Re Smyth* in 2017 (2017 NIQB

⁷⁵ Footnote to text: "Marriage (Scotland) Act 1977"

⁷⁶ Footnote to text: "There are four categories of religious and belief celebrants who can solemnize weddings: see Marriage (Scotland) Act 1977, s 8(1)". [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020, para 1.56

⁷⁷ [Re Smyth's Application for Judicial Review \[2018\] NICA 25](#) (PDF). [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020, para 1.56

⁷⁸ [Public Consultation on Marriage Law | Department of Finance \(finance-ni.gov.uk\)](#), 15 November 2021

55 and 2018 NIQB 25). It is our opinion that these judgments create an obligation to include belief marriage in our marriage law.

While belief marriages have been able to take place on foot of the court cases, and will continue to do so, the present arrangements relating to such marriages are temporary, and legislative change will be needed to give full effect to the judgments. Our consultation will therefore be seeking views solely on the detail of this change.⁷⁹

In July 2022, Finance Minister, Conor Murphy, confirmed that preparations for this change to the law in Northern Ireland would be made. Referring to the consultation results, he said, “A clear majority supported the proposal to put belief marriage on an equal footing with religious marriage”.⁸⁰ The Minister set out what would happen next:

My Department will now begin work that will allow for the preparation of legislation to enable belief marriage and raise the minimum age for marriage to 18. It will only be possible to bring forward and enact this legislation once there is a functioning Assembly and Executive.⁸¹

A written Ministerial Statement and the consultation results and analysis are available on the [Department of Finance website](#).⁸²

⁷⁹ As above

⁸⁰ [Finance Minister outlines plan for Marriage Law reform | Department of Finance \(finance-ni.gov.uk\)](#), 1 July 2022 (accessed 20 April 2023)

⁸¹ As above

⁸² [Marriage Law Consultation - Written Ministerial Statement | Department of Finance \(finance-ni.gov.uk\)](#) (accessed 20 April 2023)

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