

Reform Marriage Laws

We want to see a separation of church and state in all aspects of society, including the legal institution of marriage. Separating religious and civic aspects of marriage allows for greater freedom of choice and freedom for the individuals involved to have a marriage that suits their practical, philosophical and spiritual needs.

As one of the leading organisations advocating marriage equality across the UK and British Isles, we campaign for legally-binding marriages to be equally open to all, regardless of religion or sexual orientation.

What's the problem?

There are two types of legally-binding marriage in England & Wales: religious marriages and civil marriages (and civil partnerships). In most cases, what determines the type of marriage is the building where it takes place. Religious marriages must be held in a registered place of worship, while civil marriages and partnerships must take place in an approved premises. An exception to this are Jewish and Quaker marriages, which can take place anywhere because it is their registration process itself that determines their status.

Marriage laws in Northern Ireland are similar to the UK, in that both religious and civil marriages must take place in specific buildings. In Scotland, marriage is also separated into civil and religious categories, but it is the ceremony rather than the building that determines the legal status.

But this system leads to inequality. Although the demand for religious marriages appears to be declining, there are nearly 40,000 places of worship registered for marriage, but only 7,500 civil wedding venues.

The process for a place of worship to register itself is much cheaper than for a civil premises. A religious venue only needs to pay a one-off fee of £123 to its council to be registered. But a civil marriage venue needs to pay to renew its license every three years and the fee is much higher; sometimes close to £1000. This in turn contributes to the cost of weddings.

Furthermore, while approved premises for civil marriages and partnerships must by law hold ceremonies for same-sex couples, this is not the case for places of worship. In 2018, only 0.5% of places of worship were registered for same-sex marriage. This considerably reduces the options for same-sex couples, even those who are religious.

Whereas opposite-sex marriages are in slow decline, same-sex marriages are increasing. In 2015, a year after same-sex marriage legislations came in force, there were over 26,000 married gay couples in England and Wales. In 2016, this number more than doubled to over 60,000. It is therefore imperative that this inequality within our marriage system is addressed urgently.

The complexity over the legal status of religious weddings has also contributed to a rise in couples who have "religious" weddings but are unaware that they need to be in a registered building to be legally-binding if they are not Jewish or Quaker. This is a particular problem among some Muslim communities. In 2014, a study of 50 Muslim women in the West Midlands found that while 46 were in an Islamic 'nikah' marriage, only 5 were in a legally-recognised civil marriage. Over half were unaware that they lacked the full legal rights and protections of civil marriage.

What are we doing?

- As an institution with serious legal implications, the civil act of marriage should follow a secular process. While couples should be free to hold whatever religious or secular ceremonies they want immediately before or after the civil registration, no religious ceremony in and of itself should have legal implications.
- We're lobbying for comprehensive reform of marriage law so that all couples can follow the same legal processes when getting married. This could mean changing the law so that what determines marriage's legal status is the registrar and registration process, and not the building where it takes place. This would give all couples greater freedom to marry where they wish, a privilege that is currently restricted to Jewish and Quaker weddings.
- We also promote better citizenship education to ensure that every individual understands the rights and responsibilities involved in entering a marriage. No person should be left unaware of what constitutes a legal marriage and find themselves in a position where they are unwittingly left with no rights if the relationship breaks down.

What you can do:

[I support the NSS campaign for marriage reform for greater equality and fairness.](#)

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More information

- [Briefing: Reform marriage laws](#) (PDF, 775 Kb)

A summary of our campaign to reform marriage laws, and why this is necessary.

- [Call for Muslim women to be better informed about legal rights relating to marriage and divorce](#)

A report from the Muslim Women's Network (MWN UK) has called for greater efforts to promote women's legal rights, warning that some Muslim men are using marriage and divorce as a "psychological tool against women".

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- [Is it time to separate church and state in marriage?](#)

One fact that the on-going debate over equal marriage has highlighted is that current marriage laws in England and Wales are of Byzantine complexity. They grant the power to many, but not all, religious organisations to register marriages on behalf of the state – along with their respective religious ceremonial. Establishment, and the inclusion of religions as partners of the state has caused major hurdle for the Government trying to enact legislation

to enable equal marriage.

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While you're here

We've been challenging religious threats to equality and human rights for over 150 years. Our huge progress needs to be protected and there's still work to be done. Will you help?

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