



Briefing: Reforming Marriage Laws

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The National Secular Society (NSS) is a non-profit organisation campaigning for the separation of religion and state, and equal respect for everyone's human rights so that no one is either advantaged or disadvantaged on account of their beliefs. We regard secularism and freedom of expression as essential features of a liberal democracy.

Introduction

- 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.

How does this system lead to inequality?

- There are over 39,700 places of worship registered for marriage, but approximately only 7,400 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 considerably higher; sometimes close to £1000. This in turn contributes to the cost of weddings.
- 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 2019, approximately only 0.6% of places of worship were registered for same-sex marriage. This considerably reduces the options for same-sex couples.
- Equality act exemptions mean places of worship can restrict who can marry there, which again limits options for those who are not religious, or belong to a religion with few or no places of worship.

What other problems do our marriage laws cause?

- The complexity over the legal status of religious weddings has contributed to a rise in couples who have religious matrimonial ceremonies but are unaware that they do not necessarily constitute a legal marriage. 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 five were in a legally-recognised civil marriage. Over half were unaware that they lacked the full legal rights and protections of civil marriage.

- Jewish marriages have a unique status in England and Wales and the Divorce (Religious Marriages) Act of 2002 means a civil judge can withhold legal divorce from a Jewish couple until a religious divorce (*get*) has been carried out. Orthodox *beth din* councils arbitrate Jewish religious 'divorce', which can only be executed by the husband delivering the *get* to the wife. Because it is not possible for a Jewish woman to obtain a *get* without her husband's co-operation according to traditional interpretations, this can result in the woman being trapped in 'marital captivity.'

What's the National Secular Society's position?

- 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.
- For this reason, the NSS is campaigning 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.
- These reforms would mean only the legal necessities of the marriage, such as the documentation and declarations of being free to marry, would need to be entirely secular. This would end the restrictions on religious content, such as in readings and music, which currently exist for civil marriage ceremonies. It would enable couples to have more freedom to have a ceremony that's right for them."
- We believe better citizenship education is necessary to ensure every individual understands the rights and responsibilities involved in entering a marriage. Additionally, robust legal protections should continue to exist to prevent vulnerable people from fraud and abuse of the marriage system. Anyone falsely purporting to be an official marriage registrar should be subject to legal penalties.

Why is this issue particularly pressing?

- 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 inequalities within our marriage system are addressed urgently.
- Religious marriages are in decline. The number of religious marriages in 2016 reached the lowest level on record, falling by 4.1% from the previous year and by nearly a half from two decades. In the same year there were more than three times as many civil marriage ceremonies as there were religious ceremonies. Yet the number of places of worship registered for marriage greatly outnumbers approved premises for civil marriages and partnerships. This imbalance needs serious attention.
- We are aware that a number of faith and belief groups, including Muslims and Humanists, are campaigning for their specific marriage rites to be legally recognised in the same manner as Jewish and Quaker marriages. Rather than increasing the number of legally recognised types of religious marriage, we believe it is more equitable and practical to provide the same legal means of getting legally married for all people, of all faiths and none.