

# Briefing: Reform wedding laws



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

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

## How does this system lead to inequality?

- There are over 39,700 places of worship registered for weddings, 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 weddings 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.'

- The law is not working well for interfaith couples, or those who want a civil wedding but with some inclusion of religious elements, such as hymns or blessings. We want to end the restrictions on religious content which currently exist for civil marriage ceremonies. It would enable couples to have more freedom to have a ceremony that's right for them.

### What's the National Secular Society's position?

- 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.
- We've been making recommendations to the Law Commission on reforming wedding laws for greater simplicity, equality and fairness for all. The commission is now consulting on broad reforms to wedding laws, and many of its proposals are in line with our recommendations.
- 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.