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# Outdoor Marriages and Civil Partnerships: **NSS** response

Submitted via email: [outdoorweddings@justice.gov.uk](mailto:outdoorweddings@justice.gov.uk)

## Introduction

The National Secular Society is a not-for-profit, non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture.

The NSS was founded over 150 years ago, and it campaigns on issues throughout the United Kingdom and occasionally abroad.

We are a democratic and independent non-profit organisation which receives no funding from government or other public bodies. Our campaigning is funded wholly by our members and supporters, and is guided by our Secular Charter.

More information about our organisation can be found here:

<https://www.secularism.org.uk/about.html>

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

We have also made recommendations to the Law Commission on reforming wedding laws for greater simplicity, equality and fairness for all in England and Wales. Many of the commission's subsequent proposals are in line with our recommendations. They include removing the considerable restrictions on where weddings can take place.

We frequently campaign on equality issues, which means we often represent the interests of those who share a particular characteristic defined by the Equality Act 2010. The protected characteristics we most commonly represent include religion or belief, sex, and sexual orientation.

We have omitted questions that are not applicable to us or are beyond our remit.

## Proposed outdoor civil marriages and civil partnerships statutory instrument

5. Do you believe that the provision for outdoor marriages and civil partnerships within the grounds of approved premises should continue beyond 5 April 2022 when the current provision expires? Please provide reasons for your answer.

We greatly support the proposal to extend the provision for outdoor marriages and civil partnerships beyond 5 April 2022. This will significantly increase freedom and fairness for all couples to marry how they want, and where they want – including outdoors. We agree with all the anticipated benefits of the proposal as set out in the consultation document, and hope that the reform will indeed be a “stepping stone” towards adopting the Law Commission’s recommendations, which we also support.

8. There is currently a condition restricting the sale of food or alcoholic drinks prior to the proceedings, whether in the relevant room in the built premises or when gathering outdoors for the purposes of the proceedings. (The consumption of non-alcoholic drinks is permitted in the room or outdoor location prior to the proceedings is permitted, as is food or drink consumed as part of any religious ceremony that takes place prior to the proceedings.)

a. Do you have any experience with or comments on this condition?

b. Do you have any comments on the proposal to retain this condition? The condition in the July SI is not specific as to what is meant by gathering for the purpose of the proceedings – do you have any comments on this and whether it should refer to the place within the outdoor grounds in which the proceedings are to be held?

c. Do you agree that the condition should apply whether the proceedings take place inside a room in the built premises or in a place within the linked outdoor area?

Please give reasons for your answer.

d. Are your answers the same or different whether the linked outdoor areas are religious premises or non-religious premises?

We do not believe there is sufficient justification for retaining these restrictions in any form, regardless of whether the venue is religious or not or whether the relevant room(s) are indoors or outdoors. The Law Commission appears to agree; it said in its [consultation document](#): “We are not sure that the current prohibition on serving food and drink in the ceremony room is justified, particularly given that it only applies to certain types of wedding.”

The National Panel for Registration has said that the prohibition on food and drink in the ceremony room is intended to protect the seemly and dignified nature of the wedding. But the Law Commission responded: “We are not convinced that allowing food and drink would necessarily affect the dignity of a wedding ceremony.” We agree with the Law Commission and believe the restrictions should be lifted.

It should be the decision of the venue, religious or otherwise, whether or not to restrict the sale of food or alcoholic drinks prior to the proceedings – the state should not impose such an unnecessary restriction.

We are also concerned that essentially exempting religious ceremonies from this requirement is unfair. Couples may feasibly wish to incorporate food or drink into a secular ceremony – the sharing of food and drink to express family bonds is a universal symbol. Couples should not be denied this opportunity, afforded to religious groups, on the grounds that their ceremony is not religious. To do so is discriminatory and unfair.

#### 9. Do you have any further comments or observations you wish to add?

Ultimately we wish to see the Law Commission’s proposals adopted to remove the current unnecessary restrictions on where civil marriages, civil partnerships and religious marriages can take place in England and Wales. Allowing outdoor marriages will be an important step towards this goal, but true freedom and fairness in marriage will only be achieved once the current ‘building-based’ system is replaced with an ‘officiant-based’ one. This arrangement has worked well for Jewish and Quaker weddings, which can take place almost anywhere – the same freedoms should be granted to all, regardless of religion or belief.

### Proposed outdoor religious marriages legislative reform order

#### 18. Do you support the Government’s proposal to permit outdoor religious weddings in the grounds of places of worship in which weddings must be held, so long as permitted by the respective religious body? Please give reasons for your answer.

We greatly support the proposal to permit outdoor religious weddings in the grounds of places of worship. This will significantly increase freedom and fairness for all couples to marry how they want, and where they want – including outdoors. We agree with all the anticipated benefits of the proposal as set out in the consultation document, and hope that the reform will indeed be a “stepping stone” towards adopting the Law Commission’s recommendations, which we also support.

20. Do you support the proposals:

a. to deem churches and chapels of the Church of England and the Church in Wales to include automatically their outdoor grounds so that marriages can be solemnised in these grounds if the respective Church permits?

b. to deem current registrations of places of worship for other faiths (other than Jewish and Quaker faiths) to include automatically their outdoor grounds so that marriages can be solemnised in these grounds if the respective religious body permits?

c. that any new applications for registration of places of worship would extend to the outdoor grounds automatically, but that householders should certify that they desire that the registration extend to the outdoor grounds, and that consents of relevant governing authorities should also extend to the outdoor grounds?

We support all three proposals (a, b and c).

21. Do you anticipate there being any difficulties identifying or using the outdoor grounds to a place of worship?

We do not anticipate there being any significant difficulties in this area that would not also apply to approved premises for civil marriages and civil partnerships. Any difficulties are unlikely to outweigh the benefits of the proposed reforms.

22. Do you support the Government's proposal not to introduce any conditions for the use of outdoor ground; comparable to those imposed for civil ceremonies?

We do not support proposals that result in approved premises for civil ceremonies and places of worship being subject to unequal treatment. Approved premises for civil ceremonies and places of worship should be subject to the same conditions for the use of outdoor ground. To give greater restrictions for civil ceremonies would be unfair and would essentially 'punish' people for not having a religious wedding.

Instead, we believe some of the restrictions imposed for civil ceremonies are unnecessary and should be removed. We have discussed the restriction on food and alcoholic drink in our answer to Question 8.

Additionally, we do not see any justification for requiring a civil ceremony to take place in a "seemly and dignified location", but not religious ceremonies. This suggests considerable bias against the vast majority of the population who choose a civil ceremony and those who manage civil ceremony venues – it implies they cannot be trusted to have a "seemly and dignified" ceremony, but those who have religious ceremony can.

We also urge caution, and a degree of open-mindedness, around the wording "seemly and dignified". Marriage is an institution with serious legal implications, and we appreciate the need to uphold its dignity and solemnity in order to emphasise its significance. However, opinions on what is "seemly and dignified" will vary from person to person. We trust a balance can be struck between

upholding the dignity and solemnity of marriage, and respecting the wishes of the couple to celebrate their union in a way that is meaningful to them.

We think steps must be taken to ensure religious and non-religious wedding venues are treated equally. In some cases this may mean removing unnecessary and outdated conditions applying to approved premises; in others, it may be appropriate to extend conditions to both approved premises and places of worship.

## Equalities (relating to both civil and religious ceremonies)

28. In addition to the ways in which your responses to the questions above touch on any impacts that you experienced as a person who has, or member of a group that shares, one or more protected characteristics, are there any other impacts that you have experienced or anticipate the proposal will have on those with protected characteristics? Please give reasons.

a. Do you agree that we have correctly identified the range and extent of the equalities impacts under these proposals set out in this consultation (see in particular page 46)? Please give reasons and supply evidence of further equalities impacts as appropriate.

b. Do you anticipate any equalities impacts from the scope of these proposals (see 'Scope' sections under Proposals 1 and 2)?

c. Are there forms of mitigation in relation to equality impacts that we have not considered?

We think the proposals will have a net positive impact for all groups with protected characteristics, because they will expand opportunities and so allow all people, regardless of their protected characteristics, greater freedom of choice for a wedding that's right for them.

We think the proposals will have particularly significant benefits for groups with the following characteristics:

**Gender reassignment and sexual orientation** – People who are LGBT+ face significant barriers to getting married, because the majority of venues in England and Wales where marriage is possible are places of worship that do not permit same-sex marriage. They must therefore compete with opposite-sex couples for the minority of venues that do permit same-sex marriage, the vast majority of which are approved premises for civil weddings and civil partnerships. This drives up costs and effectively means it is more difficult and more expensive for a same-sex couple to get married as they have fewer options available to them.

Allowing approved premises for civil ceremonies to hold weddings outdoors will increase their capacity, and will likely incentivise more venues to become approved premises in the future. This will increase options for same-sex couples.

**Religion or belief** – Allowing both civil ceremonies and religious weddings to take place outdoors will enhance equality between religious and non-religious people. It will also enhance equality for religious groups that place particular significance on outdoor ceremonies (such as Pagans). The

proposals will also go part of the way to ending the current inequality between religious groups that have no restrictions on where they can marry (namely Jews and Quakers), and all other religion and belief groups that do.

While the proposals are a positive step in the right direction to improving equality, the restrictive nature of wedding laws in England & Wales that tie weddings to buildings will still continue to reduce opportunities for people with protected characteristics. We therefore urge the government to adopt the proposals outlined by the Law Commission for broad reform of weddings laws for greater freedom and fairness for all.

*Consultation drafted and submitted by Megan Manson, Head of Policy & Research, National Secular Society.*