

<b>Title:</b> Marriage (Same Sex Couples) Act 2013  <b>Lead department or agency:</b> Government Equalities Office, Department for Culture, Media & Sport  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 20/08/2013		
	<b>Stage:</b> Final version (Royal Assent)		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Primary legislation		
<b>Contact for enquiries:</b> enquiries@culture.gov.uk			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b>

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out?	Measure qualifies as
-£3.9	Zero	Zero	Yes	Zero Net Cost

**What is the problem under consideration? Why is government intervention necessary?**  
 Marriages under the law of England and Wales were not permitted to be formed between two people of the same sex. Same sex couples only had the option of entering into a civil partnership. Government intervention was needed because the impediment to a same sex couple entering (or converting a civil partnership) into a marriage was a legislative one.

**What are the policy objectives and the intended effects?**  
 The main policy objective was to allow access to marriage under the law of England and Wales for same sex couples. Other objectives were to ensure no religious organisation is forced to conduct marriage ceremonies for same sex couples and to maintain the ability of same sex couples to register a civil partnership. The consultation on equal marriage proposed that religious marriage ceremonies should not be available to same sex couples. Some consultation responses argued against this restriction, and the Government decided to allow religious organisations to solemnize marriages of same sex couples where the organisation wishes to do so.

**What policy options were considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

- Do nothing.
- Allow civil marriage ceremonies for same sex couples and maintain the ability of same sex couples to register a civil partnership.
- Allow civil marriage ceremonies for same sex couples and remove provision for new registrations of civil partnerships.

After taking into account all the evidence, including the views expressed in the consultation responses, an additional option was considered:

- Allow civil marriage ceremonies for same sex couples and allow religious marriage ceremonies for same sex couples on a permissive basis, and also maintain the ability of same sex couples to register a civil partnership. This option provides greater fairness for same sex couples as they will be able to marry through a civil or a religious ceremony. It will enable religious organisations which wish to marry same sex couples to do so, and those which do not wish to marry same sex couples will not be forced to do so. There will be protections for religious organisations which do not want to marry same sex couples, which will ensure that any legal challenge against them will not succeed and will also deter the threat of litigation.

Under options 2, 3 and 4, those in an existing civil partnership registered in England and Wales would have the option to convert their civil partnership into a marriage, or to keep their existing civil partnership. Following the consultation the Government decided to proceed with option 4, which was a variation on option 2, but with one change – allowing religious marriage ceremonies for same sex couples on a permissive basis – which is factored into the calculations. It was not possible to fulfil any of the policy objectives without amendments to legislation.

**Will the policy be reviewed?** It will be reviewed. **If applicable, set review date:** 5 years

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> Yes	<b>&lt; 20</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes	<b>Large</b> Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b> Zero	<b>Non-traded:</b> Zero	

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:



Helen Grant  
 Parliamentary Under-Secretary of State for  
 Justice and Minister for Women and  
 Equalities

Date: 20/08/2013

## Summary: Analysis & Evidence Policy Option 4

### Description:

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -4.5	High: 12.4	Best Estimate: -3.9

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	-3.3	10	Zero	<b>-3.3</b>
High	-4.7		Zero	<b>-4.7</b>
Best Estimate	-4.0		Zero	<b>-4.0</b>

#### Description and scale of key monetised costs by 'main affected groups'

We have not identified any costs to business. There may be some costs for religious organisations relating to premises being registered for marriages of same sex couples. The costs of this proposal fall primarily on public bodies, which will need to adjust IT systems or administrative processes to register same sex couples as married. These include to varying degrees the General Register Office, Department for Work and Pensions, Office for National Statistics, Her Majesty's Revenue and Customs, Ministry of Justice, and Her Majesty's Courts and Tribunals Service (including the Gender Recognition Panel). There are also some familiarisation costs for local authorities who employ registrars to conduct civil marriage ceremonies.

#### Other key non-monetised costs by 'main affected groups'

We have not identified any such costs for business. There may be some indirect costs for some religious organisations, but only those which wish to marry same sex couples. These would be familiarisation and training costs, but we consider these to be negligible.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0.1	10	0	<b>0.1</b>
High	15.7		0	<b>15.7</b>
Best Estimate	0.1		0	<b>0.1</b>

#### Description and scale of key monetised benefits by 'main affected groups'

An economic benefit could result from the introduction of marriage for same sex couples if it results in a greater total number of same sex marriage ceremonies and civil partnership registrations after the change, compared to the number of civil partnership registrations under the current system. A short-term increase in demand could result in an economic benefit of £14.4 million from additional spending on same sex marriage ceremonies, plus an estimated economic benefit of £3.0 million from new optional ceremonies for same sex couples choosing to convert their civil partnership to a marriage. However, because of the uncertainty involved in predicting demand and because this spending may not be entirely additional, our best estimate assumes no change in demand, and we include these benefits as a "high" estimate.

#### Other key non-monetised benefits by 'main affected groups'

There will be benefits to same sex couples who want to convert existing civil partnerships into marriages or form marriages in the future, because some couples place greater social and emotional value on a marriage compared to a civil partnership. There will be a benefit to those in a marriage where one spouse wants to change their legal gender, since they could do so without the need to end their marriage. There is some evidence that marriage for same sex couples could improve the health of lesbian, gay, bisexual and transgender (LGB&T) people.

#### Key assumptions/sensitivities/risks

Our best estimate assumes no increase in the total demand for same sex marriage ceremonies and civil partnership registrations after the change, over and above the existing demand for civil partnership registrations. If there were to be an increase in total demand, there would be no additional costs, but potentially economic benefits (included as our "high" estimate). The change in the law is likely to result in an increase in the number of applications to the Gender Recognition Panel, from people who transitioned some years ago but did not apply for legal recognition of their acquired gender because they wanted to remain in their marriage, but this is difficult to predict with precision.

#### Discount rate (%)

3.5

#### BUSINESS ASSESSMENT (of chosen option)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: Zero	Benefits: Zero	Net: Zero		

# Evidence base (for summary sheets)

## A. Strategic overview

### A.1 Problem under consideration

The introduction of civil partnerships was a significant step forward for our society, as for the first time same sex couples could make a public and legally recognised commitment to one another. These partnerships are often referred to colloquially as a marriage, but they are not exactly the same. The Marriage Act 1949 only allowed a marriage to be formed between a man and a woman. The Government is committed to freedom and fairness, and decided to allow same sex couples to marry and therefore allow access to marriage regardless of gender or sexual orientation.

The Government considers the love between two people of the same sex to be equal to that of opposite sex couples and therefore they should be able to marry. The intervention was necessarily a legislative one, as the barrier to same sex couples forming a marriage was in primary legislation. The consultation-stage impact assessment considered two options, both restricted to allowing marriage for same sex couples by way of civil ceremonies only.

The public consultation on equal marriage in 2012 proposed that religious marriage ceremonies would not be available to same sex couples and that religious organisations would not be forced to conduct marriage ceremonies for same sex couples. The Government remains clear about its commitment to the fundamental principle that no religious organisation or individual should be forced to conduct religious marriage ceremonies for same sex couples. While opinion was divided, a large number of respondents to the consultation, as well as others whose views were sought as part of wider discussions, including religious organisations, wanted same sex couples to have the option of a religious marriage ceremony. Some respondents were concerned that, if religious marriage ceremonies for same sex couples were not allowed, there would be tremendous pressure placed on religious organisations to marry same sex couples. Responses included those from religious organisations both for and against the proposals. Some respondents, including major religious organisations, suggested that it would be an unjustified restriction on religious freedom to make civil marriage ceremonies available to same sex couples, but not to allow those religious organisations which wished to marry same sex couples to do so.

After taking into account all of the evidence, including the views expressed in the consultation responses, the Government decided that there was strength in the argument that, once marriage is extended to same sex couples, religious organisations which want to marry same sex couples should be able to do so.

Therefore, the Government decided that the best approach is to allow those religious organisations which want to, to opt into conducting religious marriage ceremonies for same sex couples through a process set out in legislation. We therefore altered our preferred option to take this into account (this is covered as option 4 below). Unless a religious organisation expressly opts in, it will remain unlawful for a religious organisation or individual minister to marry same sex couples. Those religious organisations which do not wish to opt in will be provided with robust protections to ensure that there is no reasonable prospect of success if they are sued for their failure to opt in (with the opportunity for an early application for strike out to be made if any claim is issued).

By widening the original proposal following the public consultation to permit religious marriage ceremonies (on a permissive basis) for same sex couples, more choice and fairness is given to same sex couples. As part of this, the Government has put in place appropriate protections to ensure that any legal challenge against a religious organisation or their representatives for refusing to marry a same sex couple will not succeed, which will also deter the threat of litigation.

### A.2 Background

The Civil Partnership Act 2004 allows same sex couples to have their relationship legally recognised, gaining rights, responsibilities and protections which are broadly equivalent to those afforded by marriage. However, this is a separate legal framework to that of marriage. Under the previous law, only opposite sex couples can marry and only same sex couples can register a civil partnership.

In March 2010 the then Government announced that it would be looking at the next steps for civil partnerships. As part of a listening exercise on section 202 of the Equality Act 2010 (to allow civil partnerships to be registered on religious premises), it became clear from stakeholders, including some religious organisations and LGB&T organisations, that there was a desire to move forward towards marriage for same sex couples.

On 17 September 2011 the current Government announced that it would be launching a consultation on marriage for same sex couples in March 2012. Prior to this date, to allow it to shape the consultation document, Ministers and officials met LGB&T stakeholders, and religious and non-religious groups.

The public consultation set out the Government's proposals to enable same sex couples to have a civil marriage ceremony. It ran for 13 weeks and closed on 14 June 2012. There were over 228,000 replies and a number of large petitions.

The consultation asked respondents whether couples, regardless of gender or sexual orientation, should be able to marry in a civil ceremony: 53% of respondents who responded to the question were in favour of this. Amongst the wider population, recent polls on allowing marriage for same sex couples have shown that 62%<sup>1</sup>, 60%<sup>2</sup> and 55%<sup>3</sup> of respondents agreed that the Government should introduce marriage for same sex couples.

### **A.3 Groups affected**

The change in the law will affect anyone wishing to enter into a marriage with someone of the same sex, or anyone in a marriage who is seeking to change their legal gender while remaining in that marriage. The changes will make marriage for same sex couples lawful in England and Wales. The Scottish Government will be introducing a new law to allow same sex couples to marry under the law of Scotland, and the Northern Ireland Executive has indicated that it will not be changing Northern Irish legislation in this area.

Estimates of the number of lesbian, gay and bisexual (LGB) individuals in England and Wales are available from a number of different sources, but are widely contested. The Citizenship Survey 2009/10 estimated that approximately 2.3% of the population are LGB (the question also had a 2.7% non-response rate); the Integrated Household Survey 2011/12 estimated a slightly lower proportion, at 1.5% of the population (with a 3.6% non-response rate).

Same sex couples have, since December 2005, been able to register a civil partnership. 1,857 civil partnerships were registered in England and Wales in the 11 days available in December 2005, 14,943 were formed in 2006 and 7,929 were formed in 2007. Since 2007, the number of civil partnership registrations seems to have reached a steady rate of approximately 6,000 per year (ONS 2012). In total, in 2005 to 2011 there were just under 49,000 civil partnership registrations.

The Marriage (Same Sex Couples) Act 2013 also affects married individuals who wish to change their legal gender (by obtaining a Gender Recognition Certificate), because they will be able to do so without having to end their marriage. Those in a civil partnership will be able to convert their civil partnership into a marriage and change their legal gender without legally ending their relationship.

Foreign citizens who enter into same sex unions abroad will be affected in terms of how their relationship is treated within England and Wales. The United Kingdom currently treats all same sex relationships entered into abroad as civil partnerships, provided they meet certain criteria; in future, overseas marriages of same sex couples will be recognised as such in England and Wales in the same way as overseas marriages of opposite sex couples are currently.

There may be some impact on premises which host marriage ceremonies. These may be non-religious premises approved by individual local authorities for civil marriage ceremonies, which may be

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<sup>1</sup> ICM survey, commissioned by the Guardian (19 December 2012) showed 62% support introduction of marriage of same sex couples, 31% oppose and 7% don't know.

<sup>2</sup> Survation survey, commissioned by the Mail on Sunday (14 December 2012) showed 60% support introduction of marriage of same sex couples and 40% oppose.

<sup>3</sup> YouGov poll, commissioned by the Sunday Times (19 May 2013) showed 55% support introduction of marriage of same sex couples.

businesses of any size, or certified places of worship registered by individual local authorities for religious marriage ceremonies, where the governing authority of the religious organisation wishes to marry same sex couples. We do not have comprehensive information on the number or size of premises approved or registered for marriage ceremonies in England and Wales.

## **A.4 Consultation**

### **Within Government**

Meetings and discussions have been held across Government. The main departments with which meetings were held were: Ministry of Justice, Department for Work and Pensions, HM Revenue and Customs, Foreign and Commonwealth Office, Home Office, Department for Communities and Local Government and Ministry of Defence, though others were also engaged.

### **Public consultation**

Ministers and officials have met a range of LGB stakeholders, transgender groups and individuals and religious and non-religious groups, both in favour of, and opposed to the Government's proposals.

A public consultation was launched in March 2012 and ran for 13 weeks, closing on 14 June 2012. Government Equalities Office officials also attended a number of events, to seek views and provide a deeper understanding of how the changes would work in practice. Over 228,000 responses were received. There were also 20 petitions in favour of and against the proposals, with 1.1 million signatures. The largest petition was from the Coalition for Marriage, which opposed the proposals. The responses are summarised in the Government response document<sup>4</sup> and we make reference to relevant responses in our evidence base.

## **B. Rationale**

We identified the problem that same sex couples were unable to marry. Government intervention was needed to address this. The remedy had to be legislative because the State regulates the legal institution of marriage and the impediment to two people of the same sex marrying (or converting a civil partnership into a marriage) is a legislative one. The Government decided to act now because it believes that change is overdue.

## **C. Objectives**

The policy objectives were:

- 1) To allow equal access to marriage through a civil ceremony for couples regardless of gender or sexual orientation, in order to address the disparity that did not allow same sex couples to enter into a marriage.
- 2) To continue to allow same sex couples to register civil partnerships.
- 3) To ensure that there was no impact on the religious freedom of religious organisations and individuals or on the ability of religious organisations to marry opposite sex couples according to their rites. To ensure there would be no requirement for any religious organisation to marry same sex couples if it does not wish to, nor any requirement for a religious organisation to permit marriages of same sex couples on its religious premises, if it does not wish to allow this.
- 4) To allow married transsexual people to change their legal gender (by obtaining a full Gender Recognition Certificate (GRC) without having to end their marriage.

The Government then added a further objective: to allow same sex couples to marry through religious ceremonies, where the religious organisation wishes to do so. However, to meet objective 3 above, no religious organisation or individual minister would be required to marry a same sex couple

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<sup>4</sup> Equal marriage: The Government's response - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/133262/consultation-response\\_1\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/133262/consultation-response_1_.pdf)

and no religious organisation would be forced to permit the marriage of same sex couples on its premises if it does not wish to. Protections will be in place for religious organisations which do not want to marry same sex couples, which will ensure that any legal challenge against them will not succeed, and will also deter the threat of litigation.

## **D. Options**

Prior to the consultation we were considering the following three options:-

1. Do nothing.
2. Open up civil marriage ceremonies to same sex couples and maintain the ability of same sex couples to register a civil partnership. This was the Government's preferred option at the time of consultation.
3. Open up civil marriage ceremonies to same sex couples and end the registration of new civil partnerships. This was not the Government's preferred option.

In the light of issues raised in the consultation, we considered an additional option:-

4. Open up civil marriage ceremonies to same sex couples and maintain the ability of same sex couples to register a civil partnership, and also allow religious organisations to marry same sex couples according to their rites if the religious organisation so wishes. However, no religious organisation would be forced to marry same sex couples.

The Government decided to proceed with option 4, which is a variation on option 2, but with one change – allowing religious marriage ceremonies for same sex couples on a permissive basis – which is factored into the calculations.

## **E. Appraisal (Costs and Benefits)**

### **GENERAL ASSUMPTIONS & DATA**

Our best estimate assumes that there will be no additional increase in the demand for same sex relationships (i.e. same sex couple marriages and civil partnership registrations combined, compared to the number of civil partnership registrations per year under the current system). However, Annex 3 considers international comparisons which suggest that a short-term increase in the number of marriages is likely. We therefore consider the impact of an increase in demand under Economic Benefits below.

We present costs and benefits in current prices (2012/13) throughout this document.

## Summary of monetised transitional costs to public sector applying under options 2, 3 and 4

<b>Organisation</b>	<b>Description</b>	<b>Cost</b>
Department for Work and Pensions (DWP)	Reform IT systems and update guidance	£80,000
Gender Recognition Panel (1)	Additional operating costs associated with anticipated extra demand for Gender Recognition Certificates estimated over a 5 year period	£200,000 - £700,000
General Register Office (GRO) (Home Office)	Reform Register Online (RON) IT system	£2 million
HM Courts & Tribunals Service (2)	Operational changes required for Gender Recognition Panel database	£100,000 - £300,000
HM Revenue and Customs for Department for Work and Pensions (3)	IT and project costs for contracted out pensions	£400,000
HM Revenue and Customs (HMRC)	Reform IT systems	£100,000 - £250,000
	Update guidance	£100,000 - £200,000
Local authorities	Familiarisation costs for registrars	£190,000 – £670,000
Ministry of Justice	Reform court IT system	£135,000 – £165,000
	Amend court forms and leaflets	£38,000
Office for National Statistics (ONS)	Reform IT systems for recording marriage data	£150,000 - £200,000

Source: Figures provided by officials in relevant departments.

(1) The Gender Recognition Panel is part of HM Courts & Tribunals Service.

(2) This only covers costs of the changes to the Gender Recognition Panel's IT costs.

(3) These costs will be incurred by HMRC rather than DWP. DWP owns the policy on contracted-out pensions, but delivery of the policy (i.e. the IT that supports it) is owned by HMRC.

(4) The Ministry of Defence (MoD) and the UK Border Agency (UKBA) have not identified any detailed costs, but any impact is expected to be negligible.

(5) All the costs in the table are transitional one-off costs – the costs will occur in one year with the exception of those incurred by the Gender Recognition Panel, which is an estimated five year total cost due to a likely increase in demand for applications for gender recognition.

### **OPTION 2 – Introduce marriage for same sex couples, keep civil partnerships for same sex couples**

#### **COSTS**

##### Fiscal costs

Changing legislation to allow same sex couples to marry creates some costs for certain government departments and agencies and for local government, because changes will need to be made to some IT systems and processes. These are summarised by department:

##### *Department for Work and Pensions*

DWP estimates costs of £80,000 for changes to guidance associated with pension scheme entitlements once same sex couples are able to marry. The intention is to treat same sex couples in the same way as civil partners, for the purposes of State and occupational pensions.

IT and project costs of £400,000 for changes relating to contracted-out pensions have been based on the costs incurred in 2005 for changes related to the introduction of civil partnerships, as the proposal for marriages for same sex couples would mean a similar IT change.

##### *Home Office*

The General Register Office (GRO) in England and Wales is responsible for overseeing civil registration, which includes the registration of marriages, civil partnerships, births and deaths. The GRO will need to change its RON IT system to cater for marriage of same sex couples. Our initial estimate is a one-off cost of £2 million over the development phase.

Individuals who are already in a civil partnership will have the option of converting their civil partnership into a marriage (but they will not be required to do so). Though the detail of this process is yet to be finalised, it is expected that this may be done by obtaining a new marriage certificate. We envisage that this will be administered on a cost-recovery basis estimated at around £100 per case; therefore there will be no cost to the public sector.

The UK Border Agency (UKBA), also part of the Home Office, may require minor changes to application forms and staff guidance but costs are expected to be minimal. There are currently no differences in immigration legislation and rules between couples who are married and couples who are in a civil partnership.

#### *HM Revenue and Customs*

Although the Act will not mean that the words 'husband' and 'wife' have to be removed from official documents or forms, there may need to be changes to forms and IT systems to reflect that same sex couples may marry. The changes to IT systems are estimated to be a one-off cost of between £100,000 and £250,000 (we use a mid-point of £175,000 as our best estimate). Changes to guidance will also be needed. Some of these changes will fall under 'business as usual' (departments are expected to constantly review guidance regardless of policy changes), but there will be an additional estimated one-off cost of between £100,000 and £200,000 for HMRC to update guidance (again, we use a mid-point, £150,000, as our best estimate).

#### *Ministry of Defence*

Reform of MOD personnel IT systems will be required. However, it is anticipated that these changes will be negligible.

#### *Ministry of Justice (including the Gender Recognition Panel)*

One of the main costs is likely to be the cost of changes to the courts' FamilyMan IT system. This is estimated to be a one-off cost between £135,000 and £165,000 (the mid-point of £150,000 is used as our best estimate). There may also need to be changes to court forms and leaflets to reflect that same sex couples will be able to marry, but this will not lead to the blanket removal of the terms 'husband' and 'wife'. This will involve printing new stocks and destroying existing stocks in respect of divorce petitions and applications for dissolution and several other forms. A rough estimate derived from the costs incurred when implementing the Family Procedure Rules would indicate a cost of about £20,000 to print six months' stock of forms and around £18,000 to destroy existing stocks of forms.

Transsexual people can apply to change their legal gender by obtaining a Gender Recognition Certificate. The Gender Recognition Panel, which is part of the HM Courts & Tribunals Service, administers applications for Gender Recognition Certificates. It currently deals with an average of 320 applications a year. Allowing same sex couples to marry will allow transsexual people to change their legal gender without the need to end their marriage. We expect there to be a noticeable increase in the number of applications following introduction of the change, particularly from those who may have changed gender some years ago but decided not to apply for legal recognition because they wished to remain in their existing marriage. This group might apply to the Gender Recognition Panel in the year following introduction of marriage for same sex couples or in subsequent years. Once the initial bulge of applications has been dealt with, we expect thereafter there to be a modest increase in the number of applications. Although there is no robust evidence to indicate the level of increase for the purposes of estimating potential impacts, we have assumed an overall increase in the Gender Recognition Panel's work of between 50 and 80 applications a year. This will increase both the administrative and the judicial costs of the Gender Recognition Panel. If, however, the influx of applications was significantly higher than anticipated, then this might mean that applications could take longer than the present 20 week target to be dealt with.

The consultation included questions designed for transsexual people and their spouses. 3,104 people suggested they would want to take advantage of the policy change and remain in their marriage while obtaining a full Gender Recognition Certificate.

In the absence of any in-depth and robust research on the number of people who might be affected, we considered a variety of scenarios based on 500 existing married transsexual people who will apply to obtain legal recognition either in year one or over a five year period, following introduction of any changes, together with an overall increase of 50-80 cases a year. We also looked at what the impact might be if, say, an extra 3,000 married transsexual people were to apply to the Gender Recognition Panel in various scenarios over a 5 year period, although we think it highly unlikely that there would be as many cases as this. Our scenarios have a wide variation in the potential increase in both administrative and judicial costs over a 5 year period ranging from a total of £200,000 to £700,000. At the present time, the impact on the work of the Gender Recognition Panel and the likely increase in both administrative and judicial costs is very difficult to estimate with any accuracy.

We must also be aware of the impact that will occur should there be a different regime for marriage and civil partnerships in the various jurisdictions within the UK. This is considered in Section F below.

#### *Office for National Statistics*

The ONS collates the data on the number of people who enter into a marriage or civil partnership. They gain the data electronically from the General Register Office. When civil partnerships were introduced, the necessary changes were included within other changes that were being made to the system. The ONS would seek to do this again. However, if this was not possible, the costs to amend the ONS IT systems to allow for the additional data to be collected would be between £150,000 and £200,000.

#### *Familiarisation costs (local authorities)*

The change to the law and processes for conducting a marriage will require those who conduct marriages to familiarise themselves with the new processes. We include here some indicative familiarisation costs for registrars who carry out civil marriage ceremonies. We assume that local authorities will be responsible for ensuring that their registrars are familiar with any changes. In practice, it is generally the regional civil registration training groups which organise any training, but how this is delivered can vary across local authorities depending on how complex any new processes are.

The introduction of marriage of same sex couples will require those who conduct civil marriage ceremonies, for example, registrars employed by local authorities, to familiarise themselves with new processes. Familiarisation processes may range from desk training or e-training to formal training sessions. There will be no costs to local authorities of producing training manuals or guidance. The General Register Office will provide these. Precise details of how the new processes will work, and the extent of involvement of local authorities, are being worked out by the General Register Office.

There are currently 4,524 registrars conducting marriages in England and Wales, comprising 4,133 Deputy Superintendent Registrars, 187 Superintendent Registrars, 71 Additional Superintendent Registrars and 133 Additional Registrars (figures provided by the General Register Office).

On the basis of discussions with the General Register Office, we assume that it will take between 2 and 7 hours to fully understand all of the changes to the law, marriage process and new IT systems. The large range is due to the fact that familiarisation will depend on the complexity of the conversion process for those converting their civil partnership to a marriage.

It should be noted that if/where registrars are involved in the conversion process from a civil partnership to marriage, they will be able to recover their costs through the statutory fee.

We estimate the average wage (median gross pay excluding overtime) for a registrar to be £17.60 per hour. This is based on data from the Annual Survey of Hours and Earnings 2011, published by the ONS. In line with guidance issued by the Department of Business, Innovation and Skills (BIS), we also add non-labour costs of 21% to give an hourly cost of £21.30.

We therefore estimate total familiarisation costs for registrars to be between £190,000 and £670,000. These costs fall entirely on public sector organisations. It should be noted that these “familiarisation costs” are basically costs of staff time which could have been spent on other tasks (“opportunity costs”).

### Economic costs

Private non-religious premises which host wedding ceremonies would be unlikely to see any additional costs from this policy as premises approved for marriages will be automatically approved for marriages of same sex couples. Premises may need to update promotional material and websites, but we expect this to fall under ‘business as usual’ updates.

The Government will not require any business to make changes in order to deliver this policy.

There is no evidence from the consultation or from other sources to suggest any extra costs for the private sector. We have considered the possibility of whether businesses may need to change records on databases to reflect the new measure. However, there is no evidence that the introduction of civil partnerships required this, therefore there is no reason to assume that the introduction of marriage of same sex couples will do so.

The consultation asked respondents for details of any perceived costs to businesses from these changes. No costs were identified in consultation responses which have not been taken account of.

The Federation of Small Businesses has indicated that it does not have any concerns about costs.

There will be a substantial lead-in time for businesses to adapt if necessary, given that the Government has already announced its intentions, and implementation is unlikely to be before 2014. Therefore, we expect businesses will be able to absorb this kind of change if necessary as ‘business as usual’, and so our best estimate of the cost to business for marriage of same sex couples is zero.

## **BENEFITS**

### Economic benefits

Some organisations responding to the consultation believed that there are economic benefits to be gained from introducing marriage of same sex couples. Newcastle City Council said, “We recognise and welcome the economic opportunities that the extension of marriage to same-sex couples to local businesses and services could potentially bring”. Birmingham City Council said, “For many businesses ...this will also represent a new market where profit can be made, thus boosting the local and national economy”.

For our best estimate of economic impact we assume no change in the demand for same sex unions (i.e. we assume that the total number of civil partnership registrations and marriages of same sex couples following introduction of marriage of same sex couples will be equal to the current annual number of civil partnership registrations – an average of 6,050 ceremonies a year over the past four years). However, there are three possible impacts from changing demand for civil partnerships/marriages of same sex couples, which we consider in turn below:

1. A **short-term increase in demand**. This may come from couples who are ‘holding out for marriage’ and enter into a marriage soon after the option becomes available. This could take the form of an increased number of marriages in the first year that changes are introduced.
2. A **long-term increase in demand**. This refers to a level of demand for marriage that is above the current demand for civil partnerships year on year in the future. This may occur if couples who would never want to enter into a civil partnership choose to enter into a marriage after the policy change, or if the policy change were to encourage more couples to formalise their relationship.
3. Those already in a civil partnership who choose to **convert their civil partnership into a marriage**. These conversions would be additional to any new unions being formed.

In judging the likelihood of a change in demand, we considered the experiences of other countries and states which have introduced marriages of same sex couples and also had a form of civil union or registered partnership before marriage of same sex couples was introduced. A summary of this evidence can be found in Annex 3. There is evidence that other countries have experienced a short-term increase

in demand for marriage (over and above existing demand for civil unions) in the first year in which marriages of same sex couples were allowed in those jurisdictions. There is insufficient evidence to judge whether we should expect any long-term increase in demand (as marriage for same sex couples has only been introduced recently in most countries – the only country with more than a couple of years of data was the Netherlands, which did not experience any long-term increase in demand).

Demand may also rise if people living in countries where they cannot get married to someone of the same sex choose to come to England or Wales to get married. The Lesbian and Gay Lawyers Association (LAGLA) in their consultation response said, “We are aware that same-sex couples from the UK travel to places like Canada to get married because they prefer this to a civil partnership. We expect that if marriage is open to same-sex couples in England and Wales, couples especially from elsewhere in Europe will come here to get married here. We expect a modest boost to the tourism industry.”

Because marriage ceremonies are carried out on a cost-recovery basis, an increase in demand would not lead to any increased costs to the public sector.

### *1. Short-term increased demand*

Our high estimate includes a 50% increase in the total number of marriages of same sex couples and civil partnerships in the year that marriages of same sex couples is implemented, compared to the current number of civil partnerships (we use 6,050 a year, based on the average in the past four years). The international comparisons in Annex 3 suggest that there may be a large and additional increase in short-term demand; 50% is used as a purely indicative figure, in the absence of any robust evidence of what demand might be.

A 50% increase would result in 3,025 additional marriages in the first year that marriage of same sex couples becomes available (above the expected 6,050). There are no robust figures for the average amount of money spent on civil partnerships (or that will be spent on marriages of same sex couples), so we use a survey in 2007<sup>5</sup>, which suggested that the average spend on a civil partnership, by the couple and guests, was £4,000 (equal to £4,747 in 2012/13 prices). Based on this, an extra 3,025 ceremonies would result in approximately £14.4 million extra spending in the economy. This would benefit premises which host marriages/civil partnerships and producers and retailers of products and services used in ceremonies (this figure would also include money spent on hotels, presents bought by guests etc.).

As the demand for marriage of same sex couples is uncertain, and because these economic benefits are not guaranteed to be additional (for example, the spending on a civil partnership or marriage ceremony may not be additional if the couple and guests cut back on spending in other areas), we use **zero benefit as our best estimate, with a range of £0 - £14.4 million.**

### *2. Long-term increase in demand*

Given a lack of evidence from international comparisons (see Annex 3), we assume that there will be no long-term increase in demand.

### *3. Conversion of civil partnerships to marriage*

Once same sex couples are able to marry, couples in a civil partnership will have the option to convert their civil partnership into a marriage, though they will not be required to. This may create benefits to business through additional consumer spending if couples hold ceremonies and celebrations to mark their conversion.

A consultation question asked whether respondents who were in a civil partnership would want to convert their civil partnership into a marriage. 20,403 said that they would like to take advantage of this. However, we do not know when or how many would hold a ceremony or celebration to mark the conversion, and how much money would be spent at such events. If we make a conservative assumption that one in four of those converting would hold a ceremony or celebration, and couples and guests would spend, on average, a quarter as much as the average spend on a civil partnership, this would result in a benefit to business of £3.0million. Given the uncertainty over these benefits, and the fact that this spending may not be entirely additional, we use a **best estimate of zero, with a range of £0 – £3.0million.**

## Non-monetised benefits

<sup>5</sup> Direct Line 2007, [http://www.directline.com/about\\_us/news\\_230307.htm](http://www.directline.com/about_us/news_230307.htm)

The primary objective of the Act is to allow access to marriage for couples, regardless of gender/ sexual orientation.

A large number of respondents to the consultation felt that allowing same sex couples to marry would be good for society as a whole, and would have a positive impact on wider public attitudes towards LGB&T people and ultimately contribute to a more inclusive society where there is more choice and acceptance.

The Royal College of Psychiatrists in their response to the consultation said that LGB people make up a population that suffers from worse health (in particular mental health and substance dependence) than heterosexual people. Discrimination, such as withholding marriage from same sex couples, can contribute to the minority stress experienced by LGB persons, an important factor in their health disadvantage. Marriage for same sex couples could therefore reduce the discrimination and stress that LGB people suffer, leading to improved health.

There have also been studies from other countries which suggest that marriage for same sex couples could contribute positively to the health and well-being of LGB people. For example, evidence from the United States (Hatzenbuehler et al 2011) found a positive effect of legalised marriage of same sex couples on the health of gay men. Buffie (2011) comes to a similar conclusion, namely that “legal and social recognition of same-sex marriage are likely to impart more than just symbolic support for the gay community. Legislation to make marriage equality a reality will change, and save lives.”

Ritter, Matthew-Simmons and Carragher (2012), from the National Drug and Alcohol Research Centre at the University of New South Wales, state that alcohol and or other drug use is one way that minorities attempt to manage negative attitudes, stigma and discrimination due to their sexual orientation. “One of the clearest strategies to help solve this issue is to legitimise sexual minorities through recognition of relationship status – that is, legalise gay marriage.”

Currently, if a person discloses that they are in a civil partnership rather than a marriage, they automatically disclose their sexual orientation. Allowing marriage for both same sex and opposite sex couples would give people more control over whether and how they disclose their sexual orientation. In research conducted by Stonewall and the TUC (Stonewall 2004) it was found that one in five LGB people think they have been harassed at work because of their sexual orientation. By allowing same sex couples to marry, they will be able to disclose their sexual orientation at the time they choose.

Allowing same sex couples to marry will also create benefits for any transsexual people who are in a marriage or civil partnership and would like to change their legal gender by obtaining a Gender Recognition Certificate. This change will allow transsexual people who are in a marriage to obtain a Gender Recognition Certificate without the need to end their marriage. Those currently in a civil partnership will have the option to convert their civil partnership into a marriage and then obtain a Gender Recognition Certificate, rather than be required to end their civil partnership. Those who want to would still have the option of ending their relationship.

This policy change therefore creates benefits for any married or civil partnered transsexual people who wish to apply for a Gender Recognition Certificate in future, and any married individuals who may have been put off applying for a Gender Recognition Certificate because of the requirement to end their marriage. Although we do not have a reliable estimate of the number of individuals affected, we know this would only affect a relatively small number of people. This impact assessment has not attempted to monetise these benefits.

## **ONE-IN-ONE-OUT (OIOO)**

### **COSTS (INs)**

Our best estimate is that there will be no costs imposed on the private sector and third sector from these changes.

### **BENEFITS (OUTs)**

Our best estimate is that there will be no direct monetised benefits to the private sector or the third sector from these changes. However, there would be economic benefits to the private sector if there was an

increased demand for marriage, over and above the current demand for civil partnerships. There could also be benefits from increased spending on celebrations from individuals converting their civil partnership into a marriage.

## NET

Zero Net Cost

### **OPTION 3 – Allow marriage for same sex couples but end the registration of new civil partnerships**

This was not the Government's preferred option.

The fiscal costs of option 3 would be equal to the fiscal costs of option 2, as it would require the same changes to be made in order to allow same sex couples to be married.

If the provision for new civil partnerships was removed, existing civil partners would have the option of converting their civil partnership into a marriage, or keeping their existing civil partnership. Therefore, IT systems would still be required to keep the option of civil partnership, as some couples would still be in one, even if it were no longer possible to register a new civil partnership. However, we estimate that there would be a marginal reduction in costs as the General Register Office would no longer need to operate the RON IT system as a live system (it would only be used for access to records and corrections).

The fiscal costs and benefits of option 3, compared to options 2 and 4, would depend on any changes made to the administration of civil marriage ceremonies and civil partnership registrations and the relative cost of administering each. Currently, civil partnership registrations cost less to administer, but there would be the possibility of aligning processes for civil marriage ceremonies to bring these costs into line.

In this impact assessment, we assume that option 3 would have broadly equal costs and benefits to options 2 and 4.

## **ONE-IN-ONE-OUT (OIOO)**

### COSTS (INs)

Our best estimate is that there would be no costs imposed on the private sector and third sector from these changes.

### BENEFITS (OUTs)

Our best estimate is that there would be no direct monetised benefits to the private sector or the third sector from these changes. However, there would be economic benefits to the private sector if there was an increased demand for marriage, over and above the current demand for civil partnerships. There could also be benefits from increased spending on celebrations from individuals converting their civil partnership to a marriage.

## NET

Zero Net Cost

### **OPTION 4 – Introduce marriage for same sex couples, allow religious organisations to conduct same sex marriage ceremonies if they wish, keep civil partnerships for same sex couples**

**This was the Government's preferred option as it will allow same sex couples to marry through either a civil or religious ceremony, and continue to allow same sex couples to register civil partnerships.**

The fiscal costs and benefits of option 4 would be equal to the fiscal costs of option 2, as it will require the same changes to be made in order to allow same sex couples to marry.

The only difference between option 2 and option 4 is that option 4 will allow same sex couples to have a religious marriage ceremony, should the religious organisation agree.

Option 4 creates some extra costs for the General Register Office to administer a process to register certified places of worship for the solemnization of marriages of same sex couples, where the governing authority for the relevant religious organisation wishes to conduct marriages of same sex couples according to its rites. This registration process will be separate from any registration for opposite sex marriages. Detailed arrangements are likely to be required to make this possible, which will also form part of the protection from successful legal challenge for those religious organisations which do not wish to marry same sex couples. We estimate that this cost will be about £120 per premises (based on the current cost of registering religious premises for opposite sex marriage) and that no more than 5% of current places of worship<sup>6</sup> will choose to opt in, based on the relatively small numbers of bodies responding to the consultation which expressed interest in doing so. This gives a cost of approximately £120,000<sup>7</sup>.

It is likely that this process will be administered by the General Register Office on a cost-recovery basis by charging a registration fee for religious premises to be registered. Therefore this cost may be borne by religious organisations. However, religious organisations will also have the option of cost-recovery themselves, as premises usually charge a fee for couples to marry there.

Given that the paying of these fees is voluntary, we assume that individuals and premises will only pay these fees if they receive a benefit of at least equal value in obtaining the right to host marriages of same sex couples. Therefore this cost will be balanced by an equal benefit to those religious organisations which opt in to conduct marriage ceremonies of same sex couples.

In the event that fees are passed through to individuals, this would therefore represent:

- a cost to the public sector of approximately £120,000 for the administration of the registration system;
- an equal benefit to the public sector from the collection of fees from religious premises;
- an equal cost to religious premises of paying the fees;
- a benefit to religious premises of fees received from couples to have their marriage ceremony on the premises (which we assume would cover the cost above);
- a cost to individuals of paying the fee to have their marriage on the premises;
- a benefit to individuals from being able to have their marriage on the premises they choose (which must be at least equal to the cost, otherwise they would not choose to pay to have their marriage on the premises).

Therefore, the cost of £120,000 is met by equivalent benefits. As the registration process operates effectively as a charge or fee for government services, this cost is outside the scope of One-In-One-Out.

## Reviews

During the passage of the Bill through Parliament it was agreed to add a number of reviews to the Act.

The Act includes provision that there will be the following reviews:-

### 1. Marriages according to the usages of belief organisations

There was support in Parliament for Humanists to be allowed to undertake legally recognised marriages. However, there has been no public debate on the issue and this is needed for such a major change in public policy. A consultation will enable members of the public and interested parties, including other belief organisations which may wish to conduct marriages, the opportunity to give their views on what would be required for marriages to be solemnized under the usages of belief organisations. The consultation will include an assessment of the costs and benefits of allowing belief organisations to

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<sup>6</sup> There are approximately 24,000 premises registered for marriage. Therefore if we assume a 5% take up, there would be 1,200 premises.

<sup>7</sup> It is likely that the majority of these costs would fall in the first year following implementation (premises would only need to register once), but there would be a small number of premises registering in the following years. However, as the majority of costs are expected to fall in the first year, for simplicity we include this cost as a one-off transitional cost.

solemnize marriages and will allow us to better understand the impacts of such a change on religious organisations, local authorities and commercial organisations.

## 2. Review of civil partnerships

There will be a review of the operation and future of the Civil Partnership Act 2004 in England and Wales which will look at the future of civil partnerships in the light of the extension of marriage to same sex couples, including whether they should be available to all couples. The review will include a full public consultation to enable the public and organisations to express views on potential changes to civil partnerships. The review will also consider relevant research and assess the costs and benefits of the options. A report on the outcome will be published as soon as decisions have been taken.

## 3. Survivor benefits under occupational pensions schemes

A review will be undertaken of occupational pension scheme benefits provided to survivors of same sex and opposite sex couples in legal relationships, and the costs and other effects of equalising such survivor benefits in occupational pension schemes. The review will consider differences between: same sex survivor benefits and opposite sex survivor benefits provided to widows; same sex survivor benefits and opposite sex survivor benefits provided to widowers; opposite sex survivor benefits provided to widows; and opposite sex survivor benefits provided to widowers. In particular the review will consider the extent to which occupational pension schemes provide survivor benefits relying on the exception in paragraph 18 of Schedule 9 to the Equality Act 2010; and the extent to which same sex survivor benefits and opposite sex survivor benefits are calculated by reference to different periods of pensionable service.

There will be costs to Government involved in carrying out the reviews, but these are likely to be small and are to be met within existing departmental budgets.

### **ONE-IN-ONE-OUT (OIOO)**

#### COSTS (INs)

Our best estimate is that there will be no costs imposed on the private sector and third sector from these changes.

#### BENEFITS (OUTs)

Our best estimate is that there will be no direct monetised benefits to the private sector or the third sector from these changes. However, there would be economic benefits to the private sector if there was an increased demand for marriage, over and above the current demand for civil partnership registrations. There could also be benefits from increased spending on celebrations from individuals converting their civil partnership to a marriage.

#### NET

Zero Net Cost

## **F. Risks**

### 1. Unforeseen costs to public sector and business

Although the consultation on equal marriage sought evidence from respondents on any costs for business or the public sector, no specific additional costs were identified.

To mitigate this risk, there will be a “lead-in” time before changes are implemented, so that in many cases any change would fall under ‘business as usual’ costs.

Birmingham City Council said in their consultation response that any additional costs would relate to the authority’s normal business practice and should be absorbed by budgets as ‘business as usual’ costs and in the private sector if there were any costs these would be absorbed in the same manner.

## 2. Different legal frameworks in Scotland and Northern Ireland

Our consultation, and the Act, only covers the extension of marriage to same sex couples in England and Wales. The extension of marriage to same sex couples has been consulted on separately in Scotland. The Northern Ireland Executive has not indicated any plans to consult on this matter. This raises the possibility of increasingly different legal frameworks existing for marriage in the different jurisdictions within the UK. This may create extra costs, as guidance and training will need to be provided for public bodies to understand the differences and the implications for individuals who travel between countries. The Gender Recognition Panel has raised this as a concern. The Government Equalities Office will monitor closely the developments in Scotland and Northern Ireland, and will look for opportunities to avoid any incompatibility issues.

### G. Enforcement

The GRO and local authorities will continue to ensure that premises are compliant with the relevant legislation to hold a legal marriage ceremony.

### H. Summary and recommendations

The table below outlines the costs and benefits of the proposed changes.

<b>Table H.1 Costs and Benefits</b>		
<b>Option</b>	<b>Costs</b>	<b>Benefits</b>
<b>2</b>	-£3.9m (PV over 10 years)	£0 (PV over 10 years)
<b>3</b>	-£3.9m (PV over 10 years)	£0 (PV over 10 years)
<b>4</b>	-£3.9m (PV over 10 years)	£0 (PV over 10 years)

The costs presented are all generally transitional costs, related to one-off changes required. There are no annual costs after the transition. However, the Gender Recognition Panel has provided some additional costs relating to an increase in people seeking Gender Recognition Certificates. All costs fall on the public sector; there are zero costs or benefits to the private sector.

The table below shows the annual profile of costs.

Our working assumption is that changes to the GRO's RON IT system (£2 million) would take two years to implement, while all other changes would take one year or less. We assume that this work will start soon after Royal Assent (17 July 2013), but that the majority of costs will fall soon after April 2014.

#### Annual profile of costs (best estimate), in 2012/13 prices, £million

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Transitional costs	0	0	1.0	3.2	0	0	0	0	0	0
Annual recurring costs	0	0	0	0	0	0	0	0	0	0
<b>Total costs</b>	0	0	1.0	3.2	0	0	0	0	0	0

For non-monetised costs and benefits, please see main evidence base section.

Applying a discount rate of 3.5% (in line with standard Green Book assumptions) gives a net present value of these costs as £3.9 million.

### I. Implementation

The aim is for the first weddings of same sex couples to take place by summer 2014. This work will be led by the Government Equalities Office, part of the Department of Culture, Media and Sport, supported by other Government departments.

## **J. Monitoring and evaluation**

Post-implementation, the new regime will be monitored by the ONS. The ONS collects national statistics regularly on the number of people who enter into marriage or civil partnership.

## **K. Feedback**

Feedback will be obtained from a number of ongoing sources:

- monitoring correspondence received by departments across Government
- ongoing stakeholder engagement
- ongoing contact with representatives of local authority registrars to ensure that the new procedures and processes are working.

## **L. Specific Impact Tests**

See Annex 1.

## **Annex 1: Specific Impact Tests**

### **Economic impacts**

#### Small firms impact test

Our consultation did not reveal any cost to business.

There are possible benefits to small firms which operate premises for civil marriage ceremonies if they are able to take advantage of opportunities to host civil marriage ceremonies for same sex couples. If there were no increased demand for marriages following the change, over and above the current demand for civil partnerships, then there would be no aggregate benefits to businesses. However, as discussed above, if there were to be an increased demand for marriage, we would expect increased spending on ceremonies and this would benefit the owners of premises used for civil marriage ceremonies (which could be businesses of any size).

We expect there to be very little impact on micro-businesses (firms employing ten or fewer people). There may be benefits if there were to be an increased demand for marriage. Our best estimate would be zero net cost imposed on micro-businesses.

### **Social impacts**

#### Justice

The introduction of marriage of same sex couples will not introduce new civil sanctions, fixed penalties, or a new criminal offence. It is possible that existing perjury offences could be used where someone provides false information in respect of a civil partnership conversion or application to the Gender Recognition Panel. However, we expect the number of any such cases to be negligible. There are therefore no additional costs relating to this, or costs relating to tribunals or compensation payments.

Overall we anticipate that marriages will largely take the place of civil partnerships in terms of new legal relationships for same sex couples, with some in existing civil partnerships converting to marriage. Therefore over time the ending of these relationships will be largely through divorce (of marriages), with a decline in dissolution (of civil partnerships). Since the volume of marriages for same sex couples will be small compared with the overall opposite sex married population, we do not anticipate a large increase in divorce applications. Furthermore, because married transsexual people will no longer need to end their marriage to gain a Gender Recognition Certificate, for this group there may be a small decline in annulments or divorces, though again in terms of overall divorce applications this is not significant.

There is expected to be an increase in the number of applications to the Gender Recognition Panel from those married transsexual people who previously felt unable to apply for legal recognition of their acquired gender because of the requirement to end their marriage.

#### Privacy Impact Assessment

We do not consider that a privacy impact assessment is required. There are no additional privacy risks to individuals. The marriage of same sex couples does not require a change in technology. In respect of data handling, holding and disseminating of information, it will not develop extra data or new requirements to share data between organisations. The marriage of same sex couples will not generate new sources of information as questions on marital status and details of next of kin are not new.

## **Annex 2: Countries with provision for marriage of same sex couples and same sex civil unions**

The Government Equalities Office has conducted research into other countries which have provision for marriages of same sex couples and same sex civil unions. Different legal frameworks mean that marriage and civil union in different countries do not necessarily confer the same rights in each country. Below is a list of the current countries and jurisdictions which provide for same sex legal relationships (based on Government Equalities Office research). Some jurisdictions recognise civil unions and/ or marriages of same sex couples entered into in other countries, even if they have not established their own arrangements for civil unions and marriages of same sex couples.

### List of jurisdictions which have extended marriage to same sex couples

Argentina  
Belgium  
Brazil  
Canada  
Denmark  
France  
Iceland  
Mexico (Mexico City only but recognised throughout Mexico)  
Netherlands  
New Zealand  
Norway  
Portugal  
South Africa  
Spain  
Sweden  
United States of America (some states only)  
Uruguay

### List of jurisdictions which have established same sex unions

Andorra  
Argentina (some parts of the country only)  
Australia (precise laws vary from state to state)  
Austria  
Belgium  
Brazil  
Canada  
Colombia  
Czech Republic  
Denmark  
Ecuador  
England and Wales  
Finland  
France  
Germany  
Greenland  
Hungary  
Iceland  
Isle of Man  
Jersey  
Liechtenstein  
Luxembourg  
Mexico (some parts of the country only)  
Netherlands  
New Zealand  
Northern Ireland  
Norway  
Republic of Ireland

Scotland  
Slovenia  
South Africa  
Sweden  
Switzerland  
United States of America (some states only)  
Uruguay

## Annex 3: Marriage for same sex couples - international comparisons

This annex examines the experiences of other countries which introduced a form of civil union and subsequently introduced marriage of same sex couples.

### Summary

Based on the experiences of other countries that have extended marriage to same sex couples (and had a form of civil union available beforehand), the Government should expect to see a spike in demand for marriage of same sex couples in the year that it is introduced. This would be explained by (i) conversions of existing civil partnerships into marriages; but also (ii) additional demand for new marriages in the first year, which may be explained by same sex couples 'holding out' for marriage to become available.

However, this would be a short-term 'spike' in demand - a change in *when* rather than *whether* - couples form a partnership. There is no evidence of countries experiencing a longer term increase in demand. There is no reason to expect any spike in demand to be as large as experienced in 2006 after civil partnerships were introduced in December 2005.

### Background

When civil partnerships were first introduced in December 2005, there was a large spike in demand (with 16,800 ceremonies between December 2005 and December 2006 inclusive). Since then, the number has levelled off to around 6,000 ceremonies a year (see Figure 1 below).

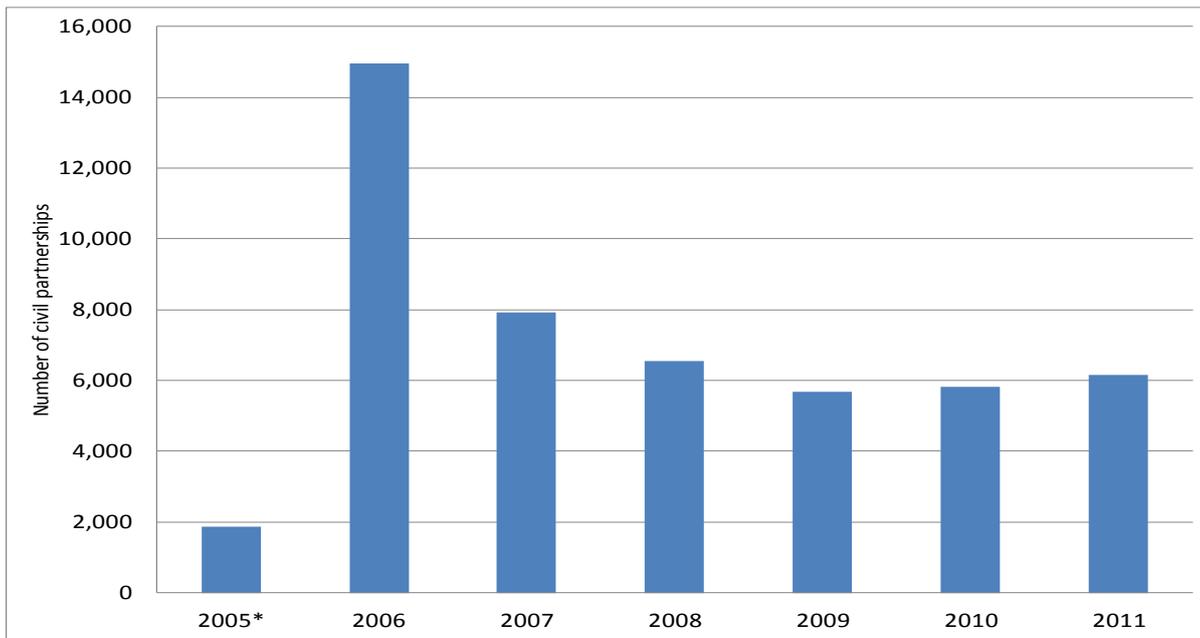
Civil partnerships represented the first time that same sex couples could obtain legal recognition of their relationship, so this spike in 2005-2006 represents all couples who wanted to formalise their relationship immediately. When marriage of same sex couples is introduced, couples will already have been able to have a civil partnership for several years, so we would not expect such a large spike in demand in the first year after the extension of marriage to same sex couples comes into force. However, we might expect an increase in demand if:

- a) there are couples who delay registering a civil partnership because they are waiting for marriage of same sex couples to be introduced;
- b) there are couples already in a civil partnership who want to convert their civil partnership into a marriage<sup>8</sup>;
- c) there are couples who do not want a civil partnership but do want to marry; or
- d) the extension of marriage encourages more same sex couples to formalise their relationship because marriage is valued by some more highly than civil partnership and/ or because marriage encourages greater acceptance of same sex relationships in society.

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<sup>8</sup> There may also be some increase in demand from transsexual people, as they would be able to convert their civil partnership to a marriage before obtaining a legal change of gender.

**Figure 1: Number of civil partnerships in England and Wales (2005-2011)<sup>9</sup>**



\* December 2005 only.

We make a distinction when thinking about the effect on demand:

- Increased demand that is a **short-term**, or a shift in *when*, not *whether* same sex couples marry or register a civil partnership – as in (a) and (b) above.
- An increase in the total amount of partnerships over the **longer term**, over and above current demand for civil partnerships – as in (c) and (d) above.

### **Method**

To help inform what to expect when marriage of same sex couples is introduced, below we look at the experience of other countries which have:

- a) allowed same sex couples to marry on the same legal basis as opposite sex couples;
- b) before introducing marriage for same sex couples, had a form of same sex civil union or registered partnership which conferred the same or very similar rights as marriage.

We have considered nine of the countries/ jurisdictions that fit this description (see table below). However, it should be noted that there are several limitations to these international comparisons:

- Different countries have different legal systems and these differences can impact on the numbers of marriages. Countries may also have different rules in different regions and people may travel between countries or regions in order to get married. Rules may also differ with regard to whether religious marriage ceremonies are permitted or only civil marriage ceremonies.
- Culture and social norms can also be very different, which reduces comparability.
- Reliable and complete data on the numbers of same sex civil unions and marriages are not always available. Also, the numbers involved can sometimes be very small.

<sup>9</sup> Source: ONS, <http://www.ons.gov.uk/ons/rel/vsob2/civil-partnership-statistics--united-kingdom/2011/sb-civil-partnerships-in-the-uk--2011.html>

*Summary table*

Country/ jurisdiction	Civil union introduced	Marriage of same sex couples introduced	Short-term increase in demand	Longer term impact
<b>Argentina</b>	Varies by province	2010	Insufficient evidence	Insufficient evidence
<b>Canada</b>	Varies by province	2005	Insufficient evidence	Insufficient evidence
<b>Iceland</b>	1996	2010	Insufficient evidence	Insufficient evidence
<b>Netherlands</b>	1998	2001	<b>Yes</b>	<b>No</b>
<b>Norway</b>	1993	2009	<b>Yes</b>	Insufficient evidence
<b>Sweden</b>	1995	2009	<b>Yes</b>	Insufficient evidence
<b>United States: Connecticut</b>	2005	2008	<b>Yes</b>	Insufficient evidence
<b>United States: New Hampshire</b>	2008	2010	<b>Yes</b>	Insufficient evidence
<b>United States: Vermont</b>	2000	2009	Insufficient evidence	Insufficient evidence

**Country by country**

**Argentina**

Civil unions for same sex couples were first permitted in Buenos Aires in 2003. This was followed by similar arrangements in the regions of Villa Carlos Paz, Rio Cuarto, Ciudad de Buenos Aires and Rio Negro. In July 2010, marriage of same sex couples was legalised nationwide. There are no central records of the number of same sex civil unions formed before 2010, so it is not possible to compare demand for marriage of same sex couples to demand for civil unions.

**Canada**

The Civil Marriages Act came into force in Canada in July 2005, allowing the marriage of same sex couples nationwide. Before 2005 some Canadian provinces had already taken action to recognise same sex partnerships and laws varied between provinces: for example, Ontario allowed marriages of same sex couples in 2002 and British Columbia in 2003. Canada also allows common law marriage (rules for common law marriage also vary by province). Canada was the first country to allow marriage of same sex couples between people who are not residents of its territory, and a large proportion of marriages of same sex couples conducted in Canada are for non-residents.

Data from the census in 2006 suggests that there were 7,500 married same sex couples in Canada, as well as 37,900 same sex couples who were “common law couples”<sup>10</sup>.

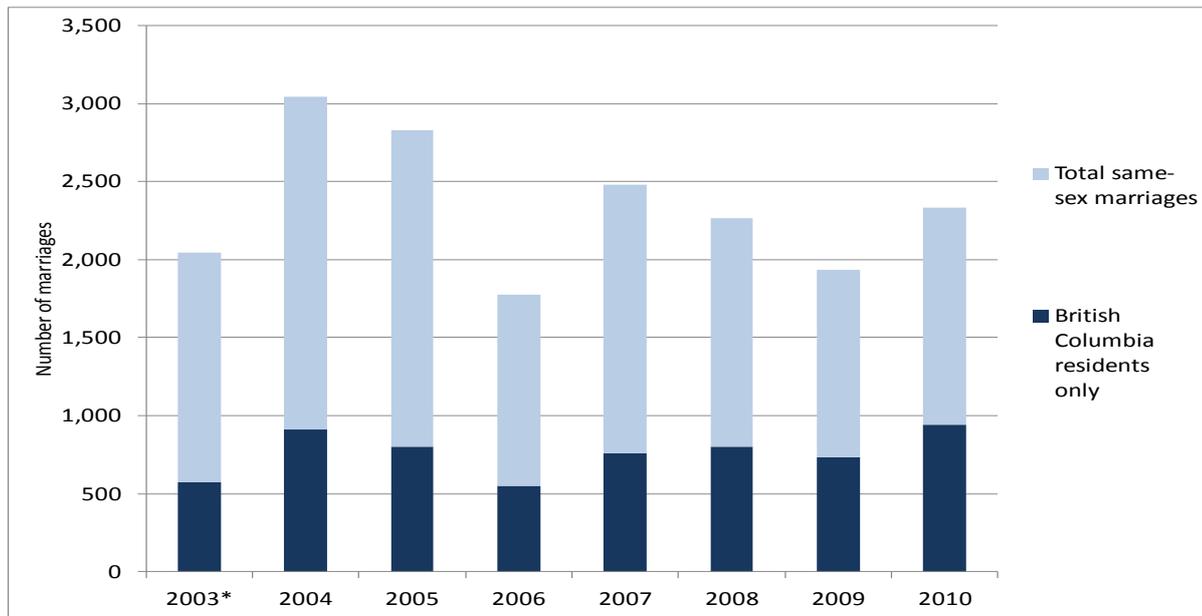
Statistics Canada decided in 2011 to stop collecting and publishing data on marriages. Due to the complexity of different rules in different provinces before marriage of same sex couples was allowed nationwide, many provinces do not provide good comparators, and none provide sufficient data to make comparisons.

The only province that provides comprehensive data on marriages of same sex couples is British Columbia, which first allowed marriages of same sex couples in July 2003 (see Figure 2). From 1997, British Columbia offered some legal recognition to same sex couples as common law couples<sup>11</sup>, but there is no data available on the number of same sex couples in common law marriages before 2003.

<sup>10</sup> [http://www42.statcan.gc.ca/smr08/2011/smr08\\_158\\_2011-eng.htm](http://www42.statcan.gc.ca/smr08/2011/smr08_158_2011-eng.htm)

<sup>11</sup> [http://www.religioustolerance.org/hom\\_marb6.htm](http://www.religioustolerance.org/hom_marb6.htm)

**Figure 2: Marriage of same sex couples in British Columbia 2003-2010<sup>12</sup>**



\* From July 2003 only

**Iceland**

Registered partnerships for same sex couples were introduced in 1996 in Iceland. Marriage of same sex couples was legalised, with the passing of a bill with a gender-neutral marriage definition, in June 2010. Comparisons of the demand for marriage compared to registered partnerships are not possible due to the small numbers involved (in 2010 there were 13 marriages of same sex couples, and the annual number of registered partnerships and marriages has been between 9 and 22 per year since 1996)<sup>13</sup>.

**Netherlands**

Same sex couples in the Netherlands were able to enter into registered partnerships from 1998. In 2001, the Netherlands opened up civil marriages to same sex couples. Since 2001, registered partnerships and civil marriages have been open to same sex and opposite sex couples and couples can convert between the two.

The figures for same sex unions in the Netherlands suggest that there was a peak in registered partnerships when they were introduced in 1998 and another peak when marriage of same sex couples was introduced in 2001 (see Figure 3). The total number of marriages in 2001 represents a 51% increase compared to registered partnerships in 2000.

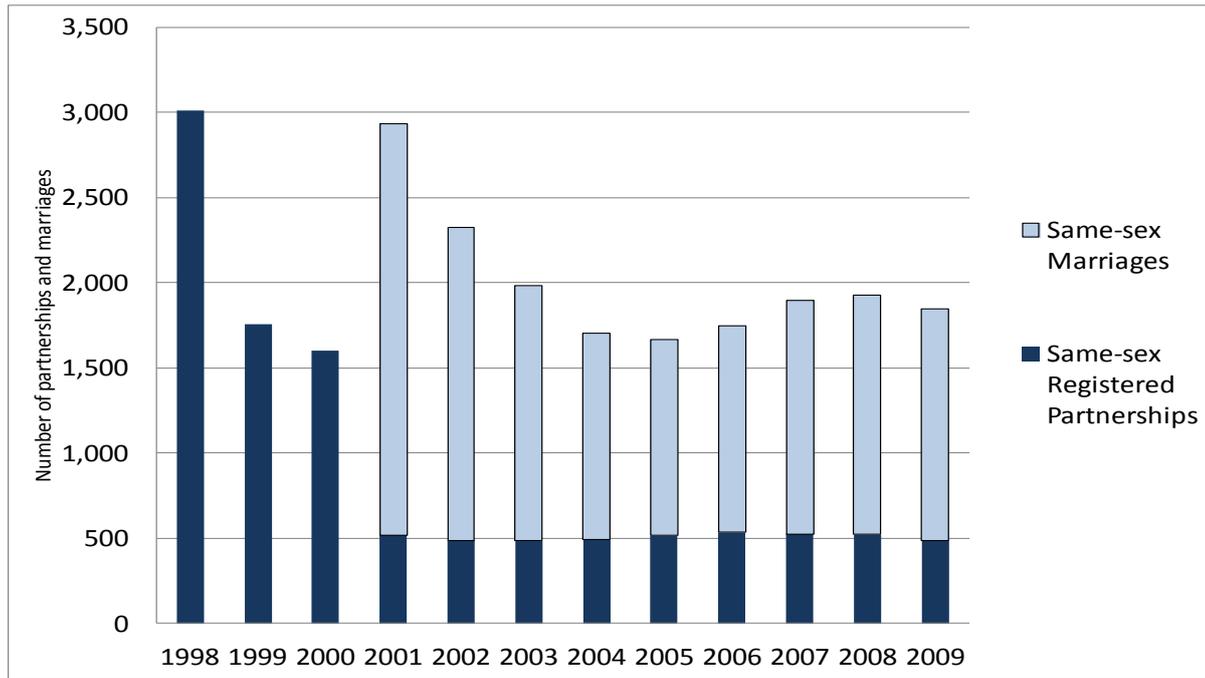
Since 2001, figures have remained broadly stable, with about 500 same sex registered partnerships and about 1,100-1,400 marriages of same sex couples per year between 2004 and 2009. The total number of same sex unions has now returned to similar levels to those before marriage of same sex couples was introduced.

The spike in marriages in 2001 is not entirely explained by new marriages, as this will also include existing registered partnerships being converted into marriages. Statistics Netherlands are not able to distinguish in this data how many marriages are conversions.

<sup>12</sup> Source: British Columbia Vital Statistics Agency, <http://www.vs.gov.bc.ca/>

<sup>13</sup> Source: Statistics Iceland, <http://www.statice.is/Statistics/Population/Marriages-and-divorces>

**Figure 3: Number of registered partnerships and marriages of same sex couples in the Netherlands 1998-2009<sup>14</sup>**



**Norway**

Same sex couples could enter into registered partnerships in Norway from 1993. In January 2009 marriages of same sex couples was legalised and the Registered Partnership Act was repealed, meaning that from January 2009 no new registered partnerships could be formed. Figure 4 below shows the numbers of registered partnerships between 1993 and 2008 and the number of marriages of same sex couples between 2009 and 2011<sup>15</sup>.

There was an increase in the total number of same sex unions following the legalisation of marriage of same sex couples in Norway. However, this was in the context of increasing numbers of partnerships in the years preceding the change and the increase appears to have been solely amongst female couples (Figure 4 below compares demand by gender). As marriage of same sex couples has only recently been introduced, we are unable to tell if there has been a long-term increase in demand.

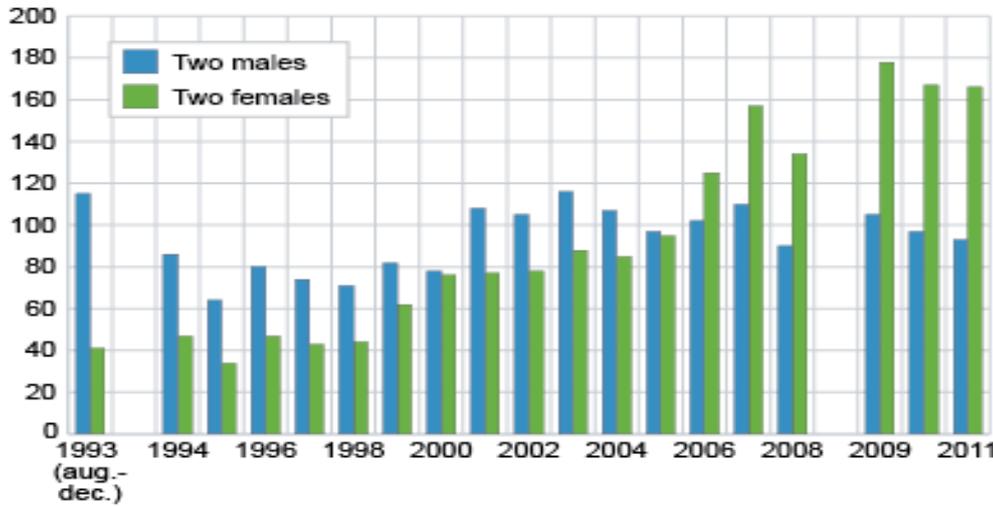
It should also be noted that the pattern in take-up is quite dissimilar to that in the UK, where there was a large spike in demand after the introduction of civil partnerships.

<sup>14</sup> Source: Statistics Netherlands, <http://statline.cbs.nl/StatWeb/publication/?DM=SLEN&PA=37772eng&D1=0.2-4.35-47&D2=40-59&LA=EN&HDR=G1&STB=T&VW=T>

<sup>15</sup> Source: Statistics Norway, <http://www.ssb.no/english/yearbook/fig/fig-100.html>

Figure 4: Registered partnerships and marriages in Norway 1993 - 2011<sup>16</sup>

**Registered partnerships 1993-2008. Marriages of two persons of the same sex. 2009-2011**

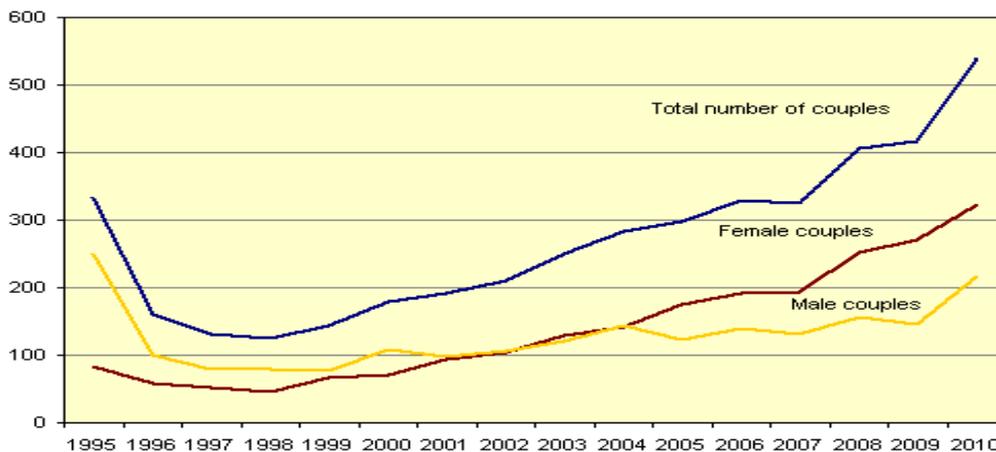


**Sweden**

In Sweden, same sex couples have been able to enter into registered partnerships since 1995. A gender-neutral marriage law came into force in May 2009. The total number of same sex couples who entered into a marriage in 2009 and 2010 was greater than the number entering into registered partnerships in 2008 (an increase of 2.5% between 2008 and 2009 and 29.3% between 2009 and 2010 – see Figure 5).

As in Norway, the total number of registered partnerships had also been increasing between 1998 and 2008, so some of this increase reflects a longer term trend increase. In addition, we are also unable to tell if there has been a longer term change in demand as marriages of same sex couples has only been recently introduced.

Figure 5: Number of newly registered partnerships and marriages of same sex couples, 1995-2010<sup>17</sup>



The graph above illustrates the number of same sex couples who registered their partnerships between 1995 and 2009 and the number who married between 2009 and 2010. The number of those who converted their registered partnership to a marriage is not included.

<sup>16</sup> Ibid

<sup>17</sup> Source: Statistics Sweden, [http://www.scb.se/Pages/PressRelease\\_308294.aspx](http://www.scb.se/Pages/PressRelease_308294.aspx)

## United States

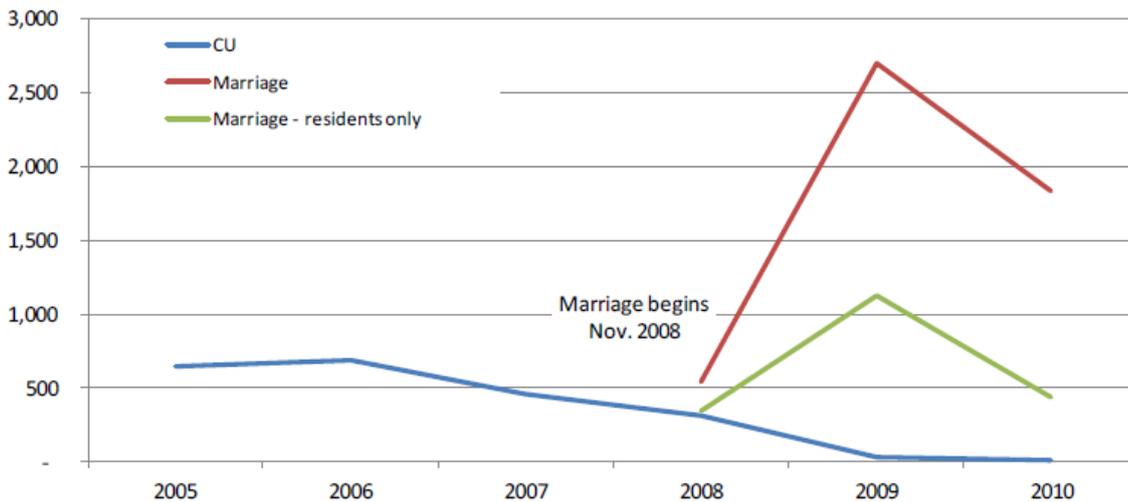
Currently, same sex couples can marry in 13 states in the US (California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont and Washington) plus the District of Columbia. We consider below three of those states which offered a form of same sex civil union before marriage: Connecticut, New Hampshire and Vermont.

**Connecticut** began offering same sex civil unions in 2005. In 2008, marriage of same sex couples was introduced. Both civil unions and marriages were available to same sex couples until October 2010, when civil unions were removed and all civil unions were converted into marriages. Figures from Connecticut show a large increase in demand for marriage compared to civil unions – see Figure 6<sup>18</sup>. These figures only show new marriages, not conversions, so the increase is solely amongst couples who chose not to enter into a civil union and waited for marriage to become available or more recently formed couples.

About 59% of same sex couples married in Connecticut were non-residents who had travelled to the state in order to marry. The numbers of residents getting married in 2009 suggests a small spike in demand, then a fall to similar levels as for previous civil unions.

*Figure 6: Civil unions and marriage of same sex couples in Connecticut 2005-2010<sup>19</sup>*

**Figure 8. Demand for Civil Unions and Marriage in Connecticut**

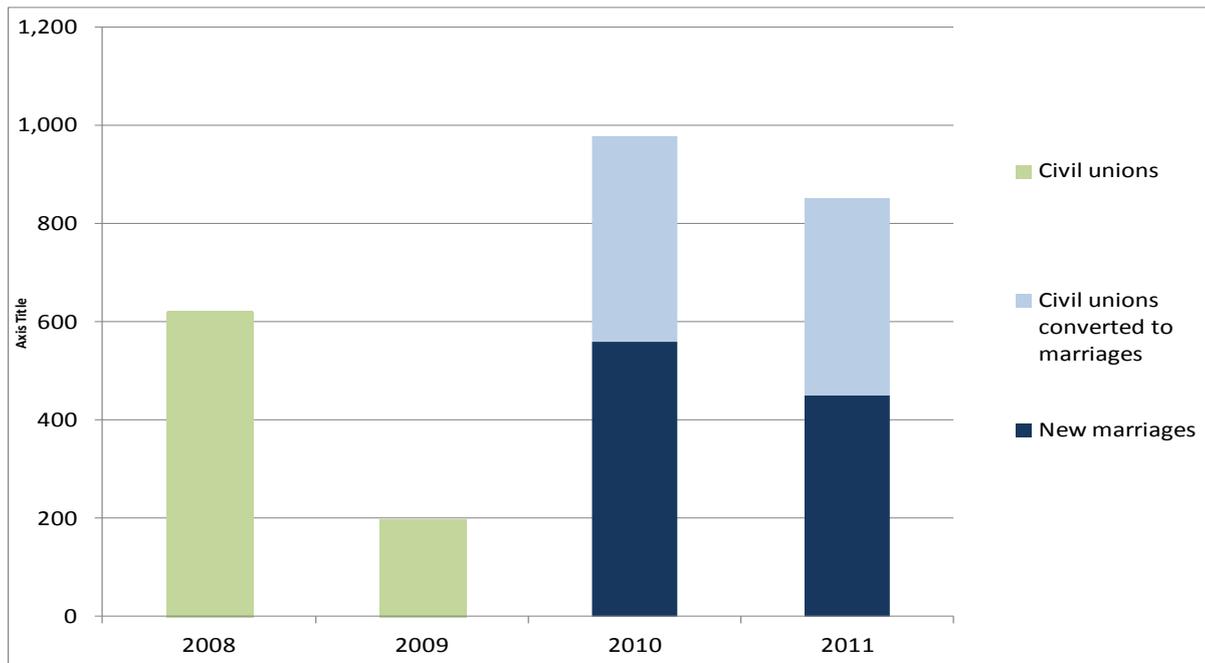


**New Hampshire** introduced civil unions in January 2008 and marriages for same sex couples in January 2010. In 2010, couples in a civil union could convert to a marriage and in January 2011 all remaining civil unions were automatically converted into marriages. Figures for new marriages in 2010 are higher than for 2009, but about the same as for 2008 (see Figure 7). The reduction in 2009 may represent couples holding out for marriage, but there are too few years to allow for any firm conclusions.

<sup>18</sup> Source: Badgett & Herman (2011) 'Patterns of Relationship Recognition by Same-Sex Couples in the United States' The Williams Institute

<sup>19</sup> Ibid

**Figure 7: Civil unions and marriages of same sex couples in New Hampshire 2008-2011<sup>20</sup>**



**Vermont** introduced marriage of same sex couples in 2009, but up-to-date statistics are not available<sup>21</sup>.

Looking at all US states which have introduced civil unions and marriages of same sex couples, Badgett & Herman (2011) estimate that in the first year after introduction, states which extended marriage to same sex couples saw higher rates of formation than states which introduced civil unions<sup>22</sup>. In states allowing marriage of same sex couples, 30% of existing same sex couples got married; in states introducing civil unions, 18% of same sex couples entered a civil union.

**Conclusions**

Due to the limitations of international comparisons and the lack of relevant or up-to-date data from many countries, these results should be seen as indicative only.

From the countries/ jurisdictions that have data on marriages of same sex couples, all showed a short-term increase in the number of marriages, compared to the number of civil unions formed in the year before.

The only country that has more than three years' worth of data following the introduction of marriage of same sex couples is the Netherlands. Here, there was a short-term spike in demand for marriage (which is likely to be largely explained by couples converting existing registered partnerships into marriages), but no discernible long-term increase in demand<sup>23</sup>.

Norway and Sweden also show an increase in demand for marriages in the year of introduction. However, a difference in these countries is that the demand for registered partnerships had been steadily increasing since their introduction. The increases in Norway and Sweden look to be slightly greater than the earlier trend increase, but data is not yet available for more than one or two years since marriage of same sex couples was introduced so we cannot tell if this trend will continue. This experience differs from that in the UK, where civil partnerships saw a large initial surge followed by a 'steady state'. The differences may be due to cultural differences and the fact that the Scandinavian countries introduced registered partnerships much earlier than the UK.

<sup>20</sup> Figures provided by New Hampshire Vital Records Administration. Civil unions converted to marriages are estimated by assuming that all marriages of same sex couples in January 2011 were conversions, and that all remaining civil unions converted during 2010.

<sup>21</sup> Data is only available up to 2008, before marriage of same sex couples was introduced. Vermont Vital Statistics Agency, <http://healthvermont.gov/index.aspx>

<sup>22</sup> Badgett & Herman (2011) 'Patterns of Relationship Recognition by Same-Sex Couples in the United States' The Williams Institute

<sup>23</sup> However, data from the Netherlands only includes three years of registered partnerships before marriage was introduced so there is no clear indication of what long-term demand would have been for registered partnerships.

The reasons for the short-term spikes in demand for marriage are not clear from the data. In the Netherlands, it will be largely explained by conversions (though we cannot be sure to what extent). In Connecticut (where conversions are not included in the figures), there are signs of a reduction in civil unions in preceding years, suggesting that some same sex couples may have been 'holding out' for marriage to be introduced. In Norway and Sweden, some of the increase will be explained by longer term trends for more same sex couples formalising their relationship.

The conclusion we draw from these comparisons is that England and Wales should expect to see a short-term increase in demand for same sex couples marriages in the year that it is introduced, despite the fact that civil partnerships have been available for several years. Given there have already been between 68,000 (based on registration data) and 88,000 (based on the Annual Population Survey) (Ross et al 2011) civil partnerships, there is likely to be a large demand for conversions<sup>24</sup>. However, the international experiences suggest that there would also be an additional short-term increase in demand on top of these conversions.

In addition, there is not enough evidence available to suggest that any other country has seen a long-term change in demand for marriage compared to previous demand for civil unions.

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<sup>24</sup> Question 9 of the consultation on equal marriage asked those in a civil partnership whether they would want to convert their partnership into a marriage. Whilst the consultation is not a representative sample, this may provide an insight into how many people may wish to convert their partnership into a marriage.

## Annex 4: References

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