

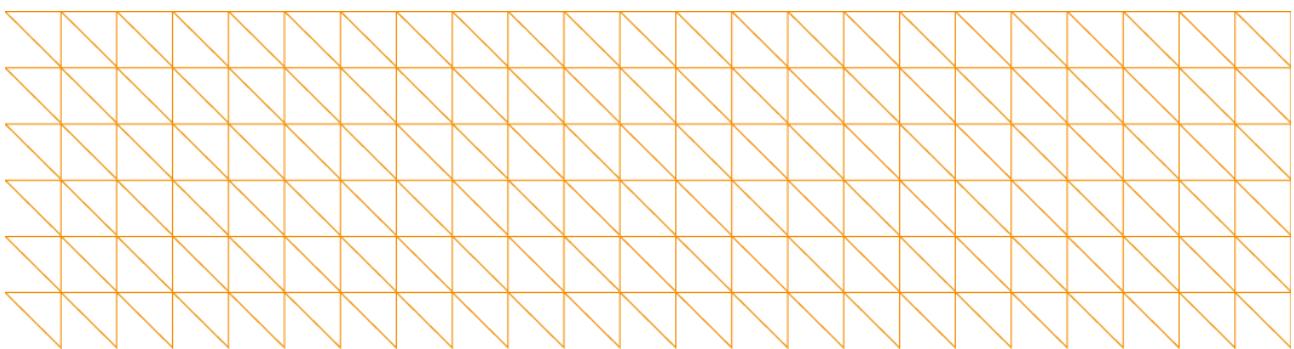


Ministry  
of Justice

# **Marriages by Non-Religious Belief Organisations:**

## Summary of Written Responses to the Consultation and Government Response

This response is published on 18 December 2014





Ministry  
of Justice

## **Marriages by Non-Religious Belief Organisations**

**Summary of Written Responses to the Consultation  
and Government Response**

**Response to consultation carried out by the Ministry of Justice.**

**This information is also available at <https://consult.justice.gov.uk/>**

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**Marriages by Non-Religious Belief Organisations: Summary of responses**

## Executive Summary

### Introduction

1. The consultation paper, *Marriages by non-religious belief organisations*, was published on 26 June 2014 in accordance with section 14 of the Marriage (Same Sex Couples) Act 2013 ("the 2013 Act"). Section 14 requires the Secretary of State to arrange for a review of whether the law should be changed to permit non-religious belief organisations<sup>1</sup> to solemnize marriages in England and Wales.
2. The aim of the consultation was to seek views on whether there is a substantial case for permitting legally valid marriage ceremonies for those of humanist belief and potentially other non-religious belief, or whether the current approach should remain. We also sought views on which organisations would be captured by a change in the law and how such a change should be implemented.
3. The consultation ran for 12 weeks and closed on 18 September 2014. All responses received have been analysed with an overall aim of identifying key issues and making sure that the full range and depth of views were represented. The views provided have informed the Government's response. A summary of the responses received can be found at **Annex A**.

### Types and number of responses

4. The total number of written responses received was 1,901. The majority of responses appear to have been from humanists or from members or supporters of the British Humanist Association (BHA). The largest number of responses (76%) were submitted by individual members of the public. However, of the 1,443 respondents who identified themselves as individuals, around 1,063 appear to have made use of a guide on answering the consultation questions provided by the BHA to its members and supporters. A list of the organisations and groups which responded is included at **Annex B** to this report.
5. The majority of respondents only answered question 1 on whether the law should be changed and question 4 on where, if allowed, belief marriages should take place. The response rate to each of the other consultation questions was around 20%.

### Impact assessments

6. We undertook initial assessments of the likely equality and economic impacts of the proposals and these were included as annexes to the consultation document.
7. We have considered the responses from the consultation and are of the view that the equalities issues included in the pre-consultation Equalities Statement remain current and unchanged. A summary of the consultation responses on equality issues is set out at paragraphs 83 to 92 of Annex A. Allowing non-religious belief marriages could be considered to advance equality of opportunity between couples wishing to marry where one or both have a religious belief and one or both have a non-religious belief.

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<sup>1</sup> Section 14 defines non-religious belief organisations as those "whose principal or sole purpose is the advancement of a system of non-religious beliefs which relate to morality or ethics".

However there is no option which we think can be implemented immediately which would provide for complete equality of treatment between those who have religious beliefs, those with humanist or other non-religious beliefs, and couples more generally.

8. Some respondents commented on the economic assessment of impact. Most of these made points or expressed concern about potential costs to belief organisations, businesses and couples, related to where non-religious belief marriages might take place.

### **Summary of responses received**

9. The majority of those responding to the consultation are in favour of the law being changed to allow legally valid marriage ceremonies for those with non-religious beliefs alongside religious and civil marriage ceremonies in England and Wales. The majority of those supporting a change in the law said that they viewed the current law as being unfair or discriminatory. The principal reason provided was that, unlike religious couples, humanist couples cannot currently marry in a legal ceremony rooted in their beliefs conducted by a person who shares those beliefs, or in a place which is personally meaningful to them.
10. Respondents who were opposed to a change in the law commented that civil ceremonies already provide adequately for non-religious marriage and that further opening up marriage law could increase the risk of forced and sham marriages and inappropriate ceremonies. A number of respondents from local registration services said that from their experience the demand from couples was for outdoor marriages rather than belief ceremonies.
11. The majority of respondents thought that marriage ceremonies for those with non-religious beliefs should take place in unrestricted locations, including outdoors. The majority of those supporting ceremonies in unrestricted locations were of the view that the current law discriminates against humanist couples because, whereas couples with religious beliefs can marry in a place of worship, humanists cannot legally marry in a place which is personally meaningful to them. A number of respondents who were opposed to this option said that it would introduce inequality for the majority of couples who were restricted in where they could marry.
12. Of the 22% of respondents who commented on which organisations would be capable of meeting the definition of belief organisations set out in section 14 of the 2013 Act, just over half said that they were not aware of any organisation other than humanists. A number of respondents said that any group could potentially qualify if the group was able to show its purpose as the advancement of non-religious beliefs and ethics or successfully have it determined that it was being discriminated against if excluded.
13. The majority of respondents who answered the questions on qualifying tests thought that criteria (such as charitable status, being well established, and requiring at least one of the marrying couple to be a member of the registered organisation) should be applied in order to provide for certain standards and safeguards. A number of respondents thought that it would be difficult or impossible to apply certain types of criteria without the risk of discriminating against some belief organisations. Some respondents commented that any criteria should be standardised and applied across all providers of marriage ceremonies.

### **The Government's response**

14. The Government recognises that the majority of respondents to the consultation are in favour of changing the law to permit legally valid ceremonies for those with non-religious beliefs, and of allowing these marriages to take place in unrestricted locations.
15. We are mindful, however, that there are a number of complex issues raised which have implications for marriage solemnization more broadly.
16. One key difficulty concerns where belief marriages would take place. The BHA and the majority of those supporting humanist marriages are of the firm view that only ceremonies in unrestricted locations will provide equality for and meet the needs of humanist couples. However, allowing belief marriages to take place at unrestricted locations would create a further difference in treatment in our marriage law and is opposed by the Church of England (CoE) and Church in Wales on the basis that it would create an inequality for the majority of religious groups and couples who are restricted to their registered place of worship. Registration services report a growing demand for outdoor marriages, and the Government is aware that allowing belief marriages in unrestricted locations may also be seen as unfair by couples who are neither religious nor humanist but who also may want a greater choice of marriage venues. Any broader changes concerning the places where marriages ceremonies may be conducted could not be achieved through the order-making power in section 14 of the 2013 Act, which is limited to making provision for marriages by people in non-religious belief organisations.
17. The Government would also want to see further consideration of managing risk through the use of qualifying criteria, particularly in relation to preventing sham and forced marriages, inappropriate ceremonies, and the commercialisation of marriage solemnization. Our view is that to apply such criteria is not straightforward and may be open to successful challenge by excluded groups, including on the basis that, as the law stands, religious groups would not be subject to the same restrictions.
18. The Government is also mindful of related issues which fall outside the scope of this consultation but which have implications for marriage law and practice and therefore also need to be considered, such as the question of which types of organisation are able to conduct religious marriage ceremonies.
19. We think it is important that we take the opportunity to consider all these issues together. We wish to avoid any negative consequences that may result from undertaking further piecemeal legislation. Therefore, having carefully considered the full range of responses and the complex issues associated with any option for change (which have implications for marriage solemnization more broadly) the Government's view is that it is now necessary to consider carefully the legal and technical requirements of marriage ceremonies and registration before or at the same time as making a decision on whether to take forward the specific proposal to permit legally valid marriage ceremonies for those with non-religious beliefs.
20. The Government will therefore ask the Law Commission if it will begin as soon as possible a broader review of the law concerning marriage ceremonies. An independent review should be able to examine all the issues arising from the consultation alongside all other relevant matters. The Government will start to work with the Commission in January to consider the scope of such a review.

## **Introduction**

21. This document is the post-consultation report for the consultation paper, *Marriages by non-religious belief organisations*, which the Ministry of Justice published on 26 June 2014. The consultation ran for 12 weeks until 18 September 2014 and sought views on whether there is a substantial case for changing the law to allow humanist and potentially other non-religious belief marriage ceremonies alongside religious and civil ceremonies in England and Wales. We also sought views on which organisations would be captured by a change in the law, should it be determined that there is a case for such a change, and how such a change should be implemented.
22. This report presents a summary of the written responses submitted to the consultation, the Government's conclusions and the next steps following this consultation.
23. Further copies of this report and the consultation paper can be obtained by contacting:

**Maya Sooben**  
**Ministry of Justice**  
**Family Justice**  
**4.31, 4th Floor**  
**102 Petty France**  
**London SW1H 9AJ**

**Tel: 020 3334 3127**

**Email: MarriagesbyNon-ReligiousBeliefOrganisations@justice.gsi.gov.uk**

The reports are also available on the Ministry's website: [www.justice.gov.uk](http://www.justice.gov.uk).

Alternative format versions of this publication can be requested from the above address.

A Welsh language response paper can be found at [www.justice.gov.uk](http://www.justice.gov.uk).

## **Complaints or comments**

24. If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

## **Background**

25. The consultation paper, *Marriages by non-religious belief organisations*, was published on 26 June 2014 in accordance with section 14 of the Marriage (Same Sex Couples) Act 2013 ("the 2013 Marriage Act"). Section 14 requires the Secretary of State to arrange for a review of whether an order should be made permitting marriages to be solemnized according to the usages (customs) of non-religious belief organisations (and if so, what provision should be included), and requires a full public consultation as part of the arrangements.
26. The law on the solemnization of marriage in England and Wales is governed by the Marriage Act 1949 (the 1949 Act). The 1949 Act provides for religious marriage ceremonies (marriage according to the rites of the Church of England and the Church in Wales; the usages of the Jewish religion and the Society of Friends (Quakers), and marriage according to the rites of any other religion in their place of worship that has been registered for the purpose) and civil marriage ceremonies (marriages solemnized in the presence of a superintendent registrar and registrar in a register office or premises approved for the purpose such as a stately home or hotel). In most cases, the place in which a marriage takes place is central to its legal validity.
27. At present, the British Humanist Association (BHA) cannot marry couples in a legally valid humanist ceremony in England and Wales. They currently may carry out ceremonies in line with humanist beliefs but these do not have legal force and if the parties wish to be legally married they must do so in a ceremony which complies with the provisions of the 1949 Act (such as a civil ceremony by a registrar). The BHA is campaigning for the law to be changed to allow humanist celebrants to conduct legally valid marriage ceremonies in England and Wales.
28. Since June 2005, under section 12 of the Marriage (Scotland) Act 1977, the Registrar General for Scotland has granted temporary authorisation to certain humanist celebrants to conduct legally recognised marriages. The Marriage and Civil Partnership (Scotland) Act 2014 broadens the "religious" category of marriage to "religious or belief" and so will place humanist and any other belief bodies on the same footing as religious organisations in relation to the solemnization of marriage (and the registration of civil partnerships).
29. The Scottish Government has concerns about profit and gain, sham and forced marriages, and other risks and complexities within its own system and (following initial consultation in 2013 as part of introducing the legislation on marriage for same sex couples) will be undertaking further, more comprehensive consultation in 2015 on qualifying requirements for religious and belief bodies to meet before their celebrants can solemnize marriage or register civil partnerships. The Scottish Government issued a brief discussion paper on the qualifying requirements in 2014.
30. Those supporting a change in the law argue that there is a genuine demand for humanist marriages (with the BHA reporting that 600–800 such marriages take place in England and Wales each year, around 80% of which are held in addition to a legally valid civil ceremony); and that humanists, and potentially others that adhere to a system of non-religious beliefs, suffer a disadvantage because they are not treated in the same way as those who are religious and able to marry in a legally valid ceremony

which reflects their beliefs, conducted by a celebrant who shares their religion, in a place which is personally meaningful to the marrying couple.

31. During the passage of the 2013 Marriage Act a number of amendments were tabled to allow the British Humanist Association, and potentially any other non-religious belief organisation, to solemnize marriages. In view of the strength of feeling within the debates in both Houses, section 14 was included in the 2013 Act.

### **Consultation themes and questions**

32. The consultation set out and sought views on the following issues.

#### ***Is there a substantial case for change?***

33. The consultation asked whether we should maintain the current law on the solemnization of marriages or there is a substantial case for a change in the law to establish non-religious belief ceremonies as a third type of legal ceremony, alongside religious and civil ceremonies, for getting married in England and Wales. Consideration was required as to whether the current law caters adequately for couples with humanist and other non-religious beliefs, given that couples with non-religious beliefs can marry in civil ceremonies that they can personalise, including through the inclusion of (non-religious) personal vows.

#### ***Which organisations?***

34. Section 14 of the 2013 Act defines a belief organisation, for the purposes of this review, as: “**an organisation whose principal or sole purpose is the advancement of a system of non-religious beliefs which relate to morality or ethics**”. The consultation set out the Government’s initial view that, should marriages by belief organisations be permitted, we would want to provide for any necessary safeguards and exclude commercial (or any other) organisations that are not genuine belief bodies but seeking to profit financially from a change to the regulations.
35. To this end the consultation asked which organisations, in addition to humanist groups, might be capable of meeting the section 14 definition; if the law were changed, if the definition should be narrowed in order to ensure that the types of organisation able to solemnize non-religious belief marriage are appropriate; and for views on which types of organisation are not appropriate.

#### ***Where legally valid belief marriage ceremonies would take place if allowed***

36. Given that the law on marriage solemnization is based broadly on the ceremony taking place in a building registered for that purpose (with the historic exemption of Quaker and Jewish marriages, which are not restricted in terms of where ceremonies can take place), and that humanists (and potentially other organisations able to meet the criteria for non-religious belief bodies) have no buildings of their own, the consultation asked where, if allowed, legally valid belief marriages would take place. The consultation paper set out and invited views on three potential options:

**Option 1:** Permit non-religious belief organisations to solemnize marriages within their own buildings or buildings where the organisation meets to manifest its beliefs and that are certified for this purpose.

**Option 2:** Permit non-religious belief organisations to solemnize marriages anywhere (other than religious premises) meaningful to the couple, including outdoors.

**Option 3:** Permit non-religious belief organisations to solemnize marriages at ‘approved premises’ (other than religious premises), such as a stately home or hotel.

37. In relation to these options, we set out that there is a need to consider the equality implications of any potential differences in treatment. In particular there is a need to take account of the fact that humanists do not have buildings of their own to register alongside the equality implications of giving humanists, and potentially other non-religious belief organisations, greater freedoms than those afforded to the majority of religious organisations and those couples wishing to marry in a civil ceremony (if we were to allow belief bodies to conduct marriage ceremonies outside, for example).

#### ***Providing appropriate safeguards***

38. The consultation states that consideration must be given to what safeguards and arrangements would be required if the law was changed to permit belief marriages, to ensure that the status and dignity of marriage was protected and minimise any resulting risks. The main risks identified relate to a change in the law inadvertently creating a commercial market for the solemnization of marriages and preventing forced marriages (where one or both parties does not consent) and sham marriages (where the marriage is not genuine, often for immigration purposes).
39. The consultation asked for views on the principle of introducing tests which a belief organisation would have to meet before its registering officers/celebrants could be authorised to solemnize a marriage, and set out for consideration the sort of criteria which might be applied in the context of what is currently required of religious organisations and civil registrars. In addition, we sought views on the principle of extending to belief organisations the requirement that the Registrar General can apply to religious organisations whereby all newly registered organisations must have a registrar attending all marriages in the first year of their registration, and that this requirement can be extended if there are procedural concerns.
40. The consultation also asked if marriages by belief organisations should be confined to the members of the belief organisation, or if at least one of the marrying couple should be a member of the belief organisation. This would help guard against commercialisation and couples choosing the ceremony for reasons other than ethics or belief.

#### ***Ceremonies***

41. We said that, if belief marriage ceremonies were to be made legally valid, it would need to be determined whether they should include the statutory declarations and contracting words required of civil and religious marriages (with the exception of Quaker and Jewish marriages, which are not subject to this requirement).

#### ***Equality issues***

42. We undertook an initial equalities assessment which set out potential impacts on marrying couples with protected characteristics<sup>2</sup> and concluded that our proposals are not directly discriminatory and are also unlikely to amount to indirect discrimination. We asked for any further views on the potential equalities impacts of the proposals and

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<sup>2</sup> The relevant “protected characteristics” under the Equality Act are race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, pregnancy and maternity.

options in the consultation as well as any related evidence or information to help with our understanding and assessment of the impacts.

43. We said that if belief marriages were to be allowed in England and Wales, the Government would need to determine whether belief organisations should be required to conduct both same and opposite sex marriages like civil registrars, or (as is the case in Scotland) be treated in the same way as religious organisations, with non-religious belief organisations having to ‘opt in’ to solemnize marriages of same sex couples.

### **Impact Assessments**

44. We undertook initial assessments of the likely equality impacts of the proposals and the potential economic costs and benefits for the public, private and third sectors, according to the different options set out for consultation. These assessments were included as annexes to the consultation document.<sup>3</sup> We also asked a specific question on the potential equality impacts on marrying couples with protected characteristics, and for any evidence or information that could help inform our understanding and assessment of the equality impacts.
45. A summary of the consultation responses on the equality issues is set out at paragraphs 83 to 92 of Annex A. We have carefully considered these responses and are of the view that the issues included in the pre-consultation Equalities Statement remain current and unchanged.
46. In coming to the conclusions reached in response to the consultation the Government has considered the potential equality impacts on those with protected characteristics, particularly with regard to religion and belief. Allowing non-religious belief marriages could be considered to advance equality of opportunity between religious couples wishing to marry and those holding a non-religious belief. However there is no option which we think can be implemented immediately that would provide for complete equality of treatment between those that are religious, those with humanist or other non-religious beliefs, and couples more generally.
47. A small number of respondents commented on the economic assessment of impact. Most of these made points or expressed concern about potential costs to belief organisations, businesses and couples in relation to where belief marriages might take place. This included the purchase or rental of buildings for registration, fees for licensed venues, and the cost of purchasing equipment for the safe keeping of marriage registers and certificates.
48. A number of respondents queried the estimated number of non-religious belief marriages that would take place if the law was changed (estimated as between 600–800 per year). This was in view of the growth of humanist weddings in Scotland since they were made legally valid in 2005, where they now account for around 10% of marriages overall.

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<sup>3</sup> <https://consult.justice.gov.uk/digital-communications/marriages-by-non-religious-belief-organisations>

49. A small number of respondents commented that celebrants may operate as independent 'for-profit' businesses or as self-employed individuals directly paid by the marrying couple, even if accredited or approved by a charity/not-for-profit organisation (which may receive a percentage for each marriage the accredited celebrant solemnizes). The issues raised were whether these ceremonies could then be defined as not-for-profit and whether any controls should be introduced. However this also raises a question as to whether a change in the law which enabled some independent celebrants (those approved by a registered belief organisation) to solemnize legal ceremonies would have an economic impact on independent celebrants and businesses that deliver independent ceremonies more broadly.

## **Types and number of responses**

50. This section gives details on the ways in which responses were submitted, how many responses were analysed to produce the findings set out in this report, and the profile of respondents to the consultation.

### **Ways of submitting a response**

51. Individual members of the public or organisations could submit a response to the consultation paper in one of three ways:

- via the Ministry of Justice online questionnaire (410 responses received).
- via e-mail to the dedicated consultation inbox (1,487 responses received).
- by hard copy (4 responses received).

52. The majority of respondents only answered question 1 on whether the law should be changed (100% responded) and question 4 on where, if allowed, belief marriages should take place (97% responded). The response rate to each of the other consultation questions was around 20%.

53. Some respondents opted to submit their response in the form of an extended letter or written submission without necessarily directly answering the consultation questions. Where comments were clearly relevant to particular questions in the consultation paper, the comments were recorded for the purposes of analysis as answers to those questions.

### **Number and profile of respondents**

54. The consultation paper was sent to 700 organisations and interested parties. The total number of responses received was 1,901.

55. Around 6% of responses were from groups and individuals who identified themselves as humanist. Of the 1443 respondents who identified themselves as individuals, around 1,063 appeared to make use of a guide on answering the consultation questions provided by the BHA to its members and supporters, and a further 96 respondents commented that they had married in a humanist ceremony or had one arranged.

56. A very small number of religious organisations responded. Just over 2% of responses were from celebrants and celebrant organisations, and around 2.5% were from registration services including the National Panel for Registration (England and Wales), regional registration boards, local authority registration services and individual registrars. A list of all group respondents is included at **Annex B** to this report.

## The Government's Response

57. The Government recognises that the majority of respondents to the consultation are in favour of changing the law to permit legally valid marriage ceremonies for those with non-religious beliefs, and of allowing these marriages to take place in unrestricted locations, including outdoors.
58. We are mindful, however, that there are a number of complex issues raised which have implications for marriage solemnization more broadly.
59. A key difficulty concerns where belief marriages would take place. Unlike in Scotland where individual celebrants are registered to solemnize marriages, in England and Wales the law on marriage solemnization is based on the requirement for the marriage ceremony to take place in a building registered for that purpose, with the historic exemption of Quaker and Jewish marriages which are not restricted in terms of where marriages can take place (which is the result of arrangements dating back to 1753, when provision was made enabling them to conduct legal marriages outside the Anglican Church).
60. There is already a difference in treatment between couples professing different religions and no religion. Allowing non-religious belief marriages could be considered to advance equality of opportunity between couples with religious beliefs who are wishing to marry and those holding a non-religious belief. However there is no option which we think can be implemented immediately that would not create a further difference in treatment within our marriage law and provide for complete equality of treatment between those with religious beliefs, those with humanist or other non-religious beliefs, and couples more generally.
61. Restricting ceremonies to buildings registered by belief organisations would provide parity with the majority of religious groups able to solemnize legally valid ceremonies. However, we understand humanists do not have buildings of their own to register. In addition the BHA, and a large number of consultation respondents, are of the firm view that neither registered buildings nor premises approved for civil ceremonies would meet the needs of or provide equality for humanist couples as this would not enable them to marry in their "meaningful place". The BHA argue that for religious groups this is in a church or other place of worship, whilst for humanists this is any place that is personally meaningful to the couple including outdoors.
62. The Church of England (CoE) is opposed to belief marriages taking place at both unrestricted locations and premises approved for civil marriage on the basis that either option would create an inequality for the majority of religious groups and couples who are restricted to their registered place of worship. The Church in Wales commented that if the range of venues is widened, provision should also apply to religious weddings. The CoE view on permitting belief marriages at premises approved for civil marriages is that, if the Government wishes to pursue this option, we should consult more widely on whether religious celebrants should, if their denomination so wished, be able to conduct weddings at approved premises.

63. The Government is aware that allowing belief marriages in unrestricted locations may also be seen as unfair by couples who are neither religious nor humanist but who also may want a greater choice of marriage venues. Registration services report a growing demand for outdoor marriage ceremonies. The National Panel for Registration and a number of local authority registration services have proposed through the consultation that the Government should consider extending the scope of approvals to include outdoor space owned by and adjoining premises approved for civil marriage ceremonies. They argue that this, rather than allowing belief marriages, would fill the most significant 'gap' in the current provision whilst maintaining established governance arrangements and safeguards.
64. Outdoor marriage has emerged as a strong theme from the consultation. Any amendment to marriage law concerning where religious organisations can conduct ceremonies or outdoor marriage more generally could not be achieved through the order-making power in section 14 of the Marriage (Same Sex Couples) Act 2013. Section 14 is limited to making provision for marriages by non-religious belief organisations. In any case, the fact that our marriage law is based on the registration of buildings for the purpose of solemnizing marriages makes this a particularly complex issue and one which a wider review could take proper account of.
65. In making any changes we would also need to guard rigorously against increasing the risk of forced and sham marriages or undermining provisions which have recently been put in place to help prevent sham marriages.
66. Having considered the consultation responses, it is the Government's view that it is not possible to be completely certain about which organisations might be allowed to solemnize legally valid belief marriages following a change in the law. We would look to require qualifying criteria to provide some safeguards, particularly in relation to managing any risk concerning sham and forced marriages, inappropriate ceremonies, and commercialisation. However, this is not straightforward as such criteria could be subject to successful challenge by excluded groups, including on the grounds that religious groups able to solemnize marriages would not be subject to the same restrictions. We think that this issue merits further consideration, and that there may be scope to consider whether certain criteria, or any standards or training of celebrants, might be introduced across all providers of marriage ceremonies.
67. In addition, changing the law to permit belief marriage ceremonies could open up the solemnization of legally valid marriages to a potentially large number of independent celebrants who, although accredited or approved by a not-for-profit belief organisation, may still be paid directly by the couple and able to benefit financially. Organisations and individuals already profit from marriage services, but the issues here are whether we would be inadvertently enabling the commercialisation of the solemnization of marriage and whether any controls would be required.
68. The Scottish Government, and the Registrar General for Scotland, have concerns about marriages carried out for profit and gain, forced and sham marriages and other risks within the system in Scotland. Following initial consultation in 2013 as part of the introduction of legislation on marriage for same sex couples, the Scottish Government will be undertaking further, more comprehensive, consultation in 2015 on qualifying requirements for religious and belief bodies to meet before their celebrants can solemnize marriage or register civil partnerships (the Scottish Government issued a brief discussion paper on the qualifying requirements earlier this year). Although the

system is different in Scotland, there may be benefits in looking at these issues more carefully alongside what is taking place in Scotland.

69. The Government is also mindful of related issues which fall outside the scope of this consultation but which have implications for marriage law and practice and therefore need to be considered together, for example the question of which types of organisation are able to conduct religious marriage ceremonies.
70. We think it is important that we take the opportunity to consider all these issues together and to avoid any negative consequences that may result from undertaking further piecemeal legislation.
71. Having carefully considered the full range of responses and issues raised through the consultation, and the complex issues associated with any option for change, we have come to the conclusion that to make such changes would not be straightforward and would have implications for marriage solemnization more broadly.
72. It is the Government's view therefore that in order to make a decision on whether to take forward the specific proposal to permit legally valid marriage ceremonies for those with non-religious beliefs, it is necessary to carefully consider the legal and technical requirements concerning marriage ceremonies and registration and the range of relevant equality issues. To this end the Government will ask the Law Commission if it will begin as soon as possible a broader review of the law concerning marriage ceremonies.
73. The Government would also want to ensure that any review took full account of and did not undermine the provisions within the 2013 Act which protect religious organisations which do not want to marry same sex couples at the same time as allowing those who do to opt in to conducting such marriages.
74. The Government will work with the Law Commission from early in the new year to develop the scope of the review. Any review would take place within the terms of the protocol agreed between the Ministry of Justice and the Law Commission which sets out how we should work together on law reform projects.<sup>4</sup>
75. Marriage is one of our most valued and important institutions which also affects people's legal rights and status. It is important that we take the time and approach to get this right.

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<sup>4</sup> [http://lawcommission.justice.gov.uk/docs/Protocol\\_Lord\\_Chancellor\\_and\\_Law\\_Commission.pdf](http://lawcommission.justice.gov.uk/docs/Protocol_Lord_Chancellor_and_Law_Commission.pdf)

## **Consultation principles**

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

## Annex A – consultation on non-religious belief marriages: summary of responses

1. The consultation sought views on eight specific questions. This report summarises the range of comments provided on these issues.

**Question 1 – Is there a substantial case for a change in the law to establish non-religious belief ceremonies as a third type of legal ceremony, alongside religious and civil ceremonies, for getting married in England and Wales?**

	All Respondents	
	Number	Percentage
<b>Yes</b>	1813	95.4%
<b>No</b>	86	4.5%
<b>Don't know/Don't say</b>	2	0.1%
<b>Total</b>	1901	100%

2. The majority of respondents (around 95%) were in favour of the law being changed to allow legally valid non-religious belief marriages. Of those supporting a change around 6% identified themselves as humanists. A further 59% appear to have made use of a guide provided by the BHA to its members and supporters on answering the consultation questions, and an additional 5% said that they had married in a humanist ceremony or had arranged to be married in a humanist ceremony.
3. A small number of faith organisations responded to the consultation. Respondents from New Unity (Unitarians) and Maidenhead Synagogue were in favour of allowing legally valid belief marriages. The Archbishops' Council of the Church of England (CoE), and the Church in Wales (Bishops' Adviser for Church and Society), responded that they did not believe the case for a change to the law to be substantial. However, the CoE commented that they understood that there was a similar desire among humanists and Christian couples who wished to have a celebrant who shared their beliefs and a ceremony which fully embodied those beliefs, and on that basis thought that it was worth considering how humanist celebrants might be authorised to conduct marriage ceremonies, provided that in so doing there was no resulting damage to the social significance of marriage or to the current arrangements for other bodies authorised to solemnize marriages.
4. In addition to a response from the National Panel for Registration, around 47 responses were received from individual registrars and regional and local registration services. The majority of these respondents were strongly opposed to a change in the law principally on the grounds that couples already had the option to personalise a civil ceremony to reflect their values and beliefs, and that further opening up marriage solemnization could risk an increase in the number of sham and forced marriages.

### ***Reasons for supporting a change in the law***

5. Over two thirds of those supporting a change in the law said that they viewed the current law as being unfair or discriminatory. The majority of these respondents

commented that a change in the law would promote fairness and remove an inequality in the current law between those with religious and non-religious beliefs by allowing those whose belief system was non-religious – principally humanists – to get married in a ceremony rooted in their beliefs conducted by a person who shared their beliefs and values. Some respondents said that this was a human right.

6. The majority of those agreeing with a change in the law commented that civil ceremonies do not provide meaningful ceremonies for humanists or allow couples to have the type of ceremony that they want in the location that they want. Respondents were of the view that a civil ceremony, despite the possibility of including personal vows and touches, was not the same as a ceremony conducted by someone who shared their beliefs and was personally tailored with the help of a humanist celebrant.
7. Many respondents provided examples of marriage ceremonies conducted by humanist and other independent celebrants, and said that they greatly valued being able to get married in a place that was meaningful to them and the closer involvement of the celebrant, including the celebrant getting to know them and being involved in the planning of the ceremony (which they felt was available to couples having a religious marriage but not to couples marrying in a civil ceremony).
8. Comments concerning where non-religious belief marriage ceremonies should take place are provided below in paragraphs 38 to 55.
9. Other reasons given for supporting a change in the law included:
  - That there was a demand for humanist weddings, which respondents felt was demonstrated by the growing number of these marriages in Scotland; that couples choose to have humanist marriages in England and Wales which do not have legal status; and that some couples also choose to have a humanist marriage ceremony in addition to a legally valid civil marriage, in spite of the inconvenience and cost.
  - A number of comments from those who had both a humanist marriage ceremony and a legal civil ceremony said that it was unfair that they had to pay twice and a source of regret that their marriage certificate did not have the date of what they considered to be their true marriage.
  - The high quality of humanist weddings, which it was felt were likely to further enhance the status and dignity of marriage if made legal. Some respondents said that allowing legal non-religious belief ceremonies would support the institution of marriage by encouraging more couples to marry.
  - The precedents set elsewhere, including in Scotland and Ireland, and that the disparity between England and Scotland was unfair.
  - That allowing non-religious belief marriage ceremonies would suit a plural society with a large and growing number of individuals who are not religious, and support freedom of choice for couples.

#### ***Reasons for opposing a change in the law***

10. Of the 4.5% of respondents who did not support a change in the law, over half commented that civil ceremonies already provide adequately for non-religious marriage. The views provided included the following:
  - There is already a choice of secular and religious marriage.

- If they wish couples can personalise civil ceremonies in a way which involves their own vows and values (including humanist and other non-religious beliefs), with those (non-contractual) parts delivered by a person of their choice.
  - Couples who want a religious or any other type of ‘blessing’ can already have this after their civil ceremony.
11. A number of respondents from local registration services said that from their experience the demand from couples was for outdoor marriages rather than non-religious belief ceremonies, that this was a separate issue and that the two issues should not be confused.
  12. Some respondents were concerned that changing the law to allow new organisations and more people to solemnize legal marriage could increase the risk of sham marriages and forced marriages. A number of respondents from registration services commented that past experience has shown that organised gangs are constantly looking for loopholes within the system and that, because the Registration Service was formally responsible and accountable for enforcing marriage laws on behalf of the Government, registrars had developed considerable expertise in detecting bogus marriages. This expertise was in part due to the volume of marriages undertaken.
  13. Another concern expressed was that widening the solemnization of marriages could undermine the sanctity and dignity of marriage by enabling the carrying out of inappropriate ceremonies.
  14. Some respondents said that if the law was to be changed there should be a full review of marriage law rather than adding to the complexity and confusion by making further incremental change, and that more fundamental reform would meet the needs and demands of a larger number of individuals.
  15. Other reasons given for opposing a change included:
    - An increase in the number of persons involved in the solemnizing of marriages and potentially widening where marriages could take place could compromise standards and the accuracy and security of the marriage records. Comments included that opening up arrangements further could increase risks including the risk of fraud; that careful consideration would be required to establish how the legal record would be stored and accessed; and that the training and continuous professional development of celebrants would be paramount to ensuring that they performed at the required standard and kept abreast of any legislative change relating to marriage law.
    - A change in the law could further complicate and increase confusion concerning already piecemeal marriage legislation. Some respondents commented that currently there is a degree of confusion among the public around the status of marriages conducted by independent celebrants, and that some celebrants do not make it clear enough in their advertising that their ceremonies are not legally valid. The concern was that if the law was changed so that some independent celebrants (those accredited or approved by registered belief organisations) could perform legal marriages, whilst others still could not, then the confusion would increase unless the whole framework around marriage was changed to license celebrants rather than buildings.
    - There was a risk of commercialising the solemnization of marriages. Some respondents thought that because celebrants may operate as independent

'for-profit' businesses or as self-employed individuals directly paid by the marrying couple (even if trained or accredited by the BHA or a similar body), the level of fees that are charged by celebrants, and the number of marriages that they solemnize, might need to be controlled.

- The clear distinction between religious and civil marriage would be difficult to properly manage and maintain.

#### ***Other issues raised***

16. A small number of respondents were of the view that some couples wanted the option of including spiritual elements in a ceremony that was non-religious. One respondent said that the reason they had chosen a humanist service was because they were spiritual but not religious and wanted a ceremony that could reflect this. Other reasons given included couples wanting to incorporate some traditions or elements from their respective cultures or that were meaningful to their family and other guests.
17. A small number of respondents also commented that, whilst atheist beliefs (such as humanism) could be included as part of civil marriage ceremonies, couples who do not define themselves as religious but who have a spiritual belief, or who hold differing faiths or beliefs, and want to include a spiritual element in their marriage ceremony or have a multi-faith ceremony, do not currently have the choice of a legal marriage that meets their needs, and this would not change if the law was amended to permit non-religious belief ceremonies. These respondents included independent celebrants and multi-faith groups who were carrying out these types of ceremonies currently. Comments included that:
  - There was a demand for legal ceremonies that reflected this 'middle ground' between religion and atheism/humanism and this should be catered for.
  - In a multi-cultural, multi-faith, and progressively more secular society the numbers wanting this type of ceremony will increase.
  - Any change in the law should be extended further so that non-religious ceremonies can be flexible in relation to including spiritual concepts.
  - Instead of changing the law to allow separate non-religious belief ceremonies the scope of civil marriage ceremonies should be widened to incorporate religious and non-religious belief elements.
18. One respondent commented that if non-religious belief marriages were made legal there should be a legally recognised, Government monitored association for secular ceremonies. This association could ensure that anyone conducting a marriage or civil partnership ceremony was formally qualified to do so and received ongoing training. Additionally the association could act as an ombudsman to monitor the actions of celebrants.
19. A small proportion of respondents said that all legal marriages should be secular, with religious and belief ceremonies and vows separated from legal civil ceremonies and contracts, as is the case in some other European countries. The main reasons given were that this would provide for greater safeguards against sham and forced marriages, that the social trend was towards a mainly non-religious population, and that there was an increasing risk of a range of inappropriate bodies being able to meet the definition of religious organisation for the purposes of solemnizing marriages.

**Question 2 – Which organisations other than humanists could be capable of meeting the definition of non-religious belief organisations set out in Section 14 of the Marriage (Same Sex Couples) Act 2013, and on what basis?**

20. The highest number of responses to this question (62%) came from those that said that they were not aware of any organisation other than a humanist organisation that would meet the criteria.
21. Organisations or types of groups other than humanist identified by respondents as potentially able to qualify include the following:

Rationalist Association
National Secular Society
One Spirit Interfaith Foundation (multi-faith Ministers and Leaders)
Pagan groups
Freemasons
Organisations of professionally trained celebrants and organisations providing ceremonies such as the Fellowship of Professional Celebrants, Association of Independent Civil Celebrants, Civil Ceremonies and One Life Ceremonies
Naturists
Friendly Societies
The Sunday Assembly

22. A number of respondents said that there was a risk that any group, including those with a ‘cult’ following, could potentially qualify if they could show their purpose as the advancement of beliefs and the ethics associated with those beliefs, or could successfully have it determined that they were being discriminated against if excluded from conducting legal ceremonies. The groups identified as a risk included political organisations, Jedi Knights, Hells Angels, radicalised groups and criminal gangs involved in forced marriage. One respondent was of the view that there were many organisations, including campaigning and charity groups, who could meet the definition and potentially want to conduct marriage ceremonies in order to raise funds or gain publicity.
23. There were concerns that the section 14 definition was vague or imprecise enough to be open to interpretation, making it difficult to identify with certainty which organisations other than humanist groups could meet the criteria or be excluded by it. One respondent commented that there may be an inherent difficulty in making the criteria broad enough to include some genuine belief groups but narrow enough to exclude potentially more extreme or marginal groups.
24. A small minority of respondents were of the view that qualified independent celebrants should be registered and authorised to conduct legal ceremonies rather than buildings or organisations.
25. The issue of widening the definition to include ‘spiritual’ beliefs was raised by a number of respondents. Some respondents said that the definition should be amended to make provision for celebrants to conduct multi-faith ceremonies or ceremonies with a spiritual or religious element that were not espousing one particular religion or belief.

The point was made that some beliefs are not easily defined as religious or non-religious, and that Buddhists or Jains (who may see themselves as more ethically focused than religious), theosophists, and non-religious movements who focus on ‘spirituality’ might qualify.

26. One respondent expressed concern that if the British Humanist Association was the only organisation allowed to conduct non-religious belief ceremonies through a change in the law and the application of certain qualifying criteria, this would create an unfair monopoly and fail to meet the needs of the many couples who do not have any affinity with humanism but simply want a personal marriage ceremony in a desired location.
27. A small proportion of respondents said that any organisation should be able to conduct legal ceremonies as long as it espoused non-religious beliefs/atheism, promoted moral principles beyond a single issue, or was a registered secular organisation with a charter or membership criteria for ethical and moral based beliefs.
28. One respondent was of the view that there was no logical basis for privileging philosophical ideas and beliefs above other opinions, for example political or cultural views, which people also base their lives around.

**Question 3 – Should certain criteria be added to narrow the definition of non-religious belief organisations in section 14 of the Marriage (Same Sex Couples) Act 2013 to ensure that the types of organisations able to solemnize non-religious belief marriage are appropriate?**

**If so, which types of organisations do you think are not appropriate?**

	All Respondents	
	Number	Percentage
<b>Yes</b>	324	17.0%
<b>No</b>	54	2.8%
<b>Don't know/Don't say</b>	1523	80.1%
<b>Total</b>	1901	100%

29. There was a certain amount of crossover in the responses to questions 2, 3 and 5.
30. Of the 20% of respondents that answered this question, the majority said that criteria should be added to ensure that the types of organisations solemnizing marriages and the ceremonies conducted were appropriate.
31. A high number of these respondents were of the view that, in order to ensure that the institution of marriage was not trivialised, marriages should not be solemnized by commercial organisations or for profit. Many respondents also felt that any organisation allowed to solemnize marriages should be a charity or working for public benefit. The point was made by one respondent that a market of kinds had developed for civil ceremonies (since couples choosing a civil marriage could choose a commercial venue where they could have both the ceremony and the reception), but that this was different from introducing a commercial market for the solemnization of marriages and between different types of ceremony.

32. A number of respondents said that an organisation whose only or principle purpose was to conduct ceremonies should not qualify, otherwise organisations might establish themselves purely to take advantage of the change in the law.
33. The following table sets out the main types of organisations that respondents thought were not appropriate for solemnizing marriages, as well as the type of requirements that organisations should meet.

	<b>Number of responses</b>
Exclude for-profit bodies/commercial organisations	217
Organisation should be acting for public benefit/be a Charity	154
Exclude organisations whose main purpose is not the promotion or espousal of secular/humanist/atheist beliefs	50
Organisations should have some form of moral, ethical or philosophical belief	43
Exclude political groups and single issue pressure groups	18
Exclude Trekkies, Jedi Knights, pseudoscience groups, scouts/youth clubs, football clubs, 'cults' and similar types of groups	12
Exclude extremist/hate-preaching organisations and organisations that promote discrimination and inequality	17
Organisations should be able to demonstrate that they are registered in some way/properly governed and regulated/have professional standards/have a certain number of members	15
Organisations should be well established/have a background or training in delivering ceremonies	22

34. Around 14% of respondents to this question disagreed with narrowing the definition further.
35. A very small minority thought that there should be no restrictions or regulation whatsoever, so that any group would be allowed to solemnize marriages. A number of respondents commented that it was difficult or impossible to narrow the definition without the risk of discriminating against certain types of organisation that shared and promoted a common belief.
36. The issue of the potential registration of campaigning organisations and organisations that promote a cause was raised by a number of respondents. One respondent commented that the consultation paper suggests that such organisations might not be suitable for solemnizing marriages, and that the British Humanist Association, as well as religious organisations that currently conduct legal marriage ceremonies, campaign for and promote causes. Whilst some respondents thought that it was not appropriate for organisations that campaign to solemnize marriages, others commented that promoting a cause was a fundamental tenet of being a belief or value based organisation, and that only civil marriage could truly adhere to any criteria which excluded campaigning or promoting a cause. In this respect it was suggested that care would be needed in any drafting of criteria (that, for example, a word such as "solely"

might be required to exclude certain groups), and that the specific exclusion of campaigning organisations would be unnecessary if other safeguards were applied.

37. Other issues raised around the types of organisations that could conduct belief marriages included:

- Any organisation which seeks to be registered to conduct marriage ceremonies should be capable of demonstrating that they are not defined primarily by what they are against, and that they promote positive moral and ethical principles which are compatible with treating marriage as a socially important and valued institution which should be celebrated publicly with suitable dignity.
- The definition of 'non-religious' should be strengthened in order to exclude organisations which make reference to ideas equivalent to god(s) (such as a Supreme Being), or include provision for adherents to believe in a god as part of the value-based system of the organisation (such as through the Scout or Guide Promise).
- Any definition must be robust enough to cover not only existing organisations but also organisations that might be set up post implementation, as inevitably an organisation will arise that has not been contemplated.
- The criteria must be objective and require evidence backed consideration of the balance between benefit and harm. Equality Commission guidance on the meaning of belief for the 2010 Equality Act provides a sensible starting point – essentially, any non-trivial belief system.
- Any organisation permitted to conduct marriage ceremonies ought to be able to demonstrate that it can offer this provision across England and Wales so that couples can choose a belief ceremony without undue geographical upheaval. This would mean registering only those non-religious belief organisations which operate at national level rather than locally-based organisations or local branches of national organisations.
- Charitable status could preclude some organisations that were too small to meet the charitable criteria, and may not always be appropriate as this can restrict an organisation's other activities.
- Consideration would need to be given to how any criteria would be effectively monitored and enforced and who would do this, and to what measures could be taken if an individual or organisation operated outside these criteria. Challenges to the criteria are likely and may need to be settled by the High Court.

**Question 4 – If allowed, where should belief marriages take place?**

38. This question was answered by 97% of respondents. The majority of respondents to this question were humanists or appeared to make use of a guide on answering the consultation questions provided by the BHA to its members and supporters.
39. The table below shows the number and percentage of respondents who supported each of the three options set out in the consultation paper and those who commented but did not support any of the options provided.

<b>Preferred Option</b>	<b>All Respondents</b>	
	<b>Number</b>	<b>Percentage</b>
<b>Option 1</b>	21	1.1%
<b>Option 2</b>	1734	94.1%
<b>Option 3</b>	36	2.0%
<b>Other/No preference</b>	52	2.8%
<b>Total</b>	1843	100%

**Option 1 – Register Buildings which belong to the belief organisation or where the organisation meets to manifest its beliefs as a group**

40. Of those commenting in response to this question just over 1% thought that this was the best option. The main reasons given were that:
  - If non-religious belief ceremonies were allowed anywhere other than buildings belonging to or regularly used by the belief body this would create an inequality with the majority of religious organisations and couples.
  - The present system contributes to emphasising the public nature of marriage, whilst Option 2 (unrestricted locations) does not provide in practical or symbolic terms the condition that marriages should be conducted in publicly accessible and identifiable places.
  - Registering buildings would give the organisations concerned a recognisable base and could help ensure the security of marriage registers and certificates.
41. A number of respondents commented that as humanists, and potentially others with non-religious beliefs, do not have premises, the idea that non-religious belief marriages should take places in their registered buildings was neither practical nor viable.
42. Objections to this option were also made on the grounds that it would not provide for humanist couples to marry in a place that was personally meaningful to them, and this would be an inequality with religious couples who can marry in their place of worship.

**Option 2 – No Restrictions (ceremonies could take place anywhere, other than religious premises, that is meaningful to the couple, including outdoors)**

43. The majority of respondents to this question (around 94%) were in favour of belief marriages ceremonies taking place in unrestricted locations. A very high number were of the view that this was the only option that would provide for equal treatment with religious groups, and that the current law discriminates against humanist couples in

that it does not allow them to marry in a place that is personally meaningful to them. The reasons given included that:

- It is not the case that allowing humanists to solemnize marriages in a variety of locations would cause disadvantage to other groups as the point of comparison is the meaningfulness of the location: for a religious person that location is their church or other place of worship, for a humanist couple it will be elsewhere – equal treatment of the two means allowing them both to have their marriage in the meaningful place.
  - The idea that non-religious belief organisations would have an advantage over organisations that are restricted in where they can conduct ceremonies demeans the dignity of marriage, as it is a solemn institution and not an industry or a market.
  - Since the law allows unrestricted ceremonies for Jews and Quakers without difficulty, there is no reason to restrict non-religious belief marriages and it would be unfair to do so.
44. What is meant by “meaningful place” was not defined in the responses other than that it is a place that is personally meaningful to the couple getting married. Some respondents said that outdoor locations for marriages were important to humanists because humanism celebrates the importance of this world and mankind as part of nature, whereas religious ceremonies are held in places dedicated to another realm of being. Many respondents who described a humanist marriage ceremony commented that the location had been of prime significance. Examples of wedding locations described as meaningful to couples included their own homes and gardens, places where they had holidayed, places where the ashes of a family member were scattered, places where they had met, and other places that held special memories or a special significance for them and their families.
45. A number of respondents were of the view that it should be up to the couple to decide where their ceremony should take place and that choice should not be restricted by law. A very small minority thought that the choice should rest with the belief body.
46. Some respondents commented that outdoor marriages work well and are popular in other places including Scotland and so should be available in England and Wales as well. A small proportion of respondents thought that outdoor marriages could reduce costs for couples by giving them a greater choice over venues, including being able to use their own homes and gardens or those of family and friends.
47. A number of respondents commented that if outdoor venues were permitted for belief marriages then this should apply to all marriage ceremonies, otherwise Government would be legislating to introduce a further anomaly and inequality within marriage law and would be discriminating against organisations and couples who were restricted in where marriages could take place.
48. The potential for more fundamental reform was raised by a number of respondents. This was in terms of:
- Legislating more broadly to allow outdoor marriages for all couples.
  - Moving to a system whereby individual celebrants were registered for solemnizing marriages rather than buildings.
  - The introduction of universal civil preliminaries for all types of marriage in order to separate the legal part of marriage from ceremonies so that marriage ceremonies

could take place wherever a couple wished, delivered by a celebrant chosen by them.

49. A number of respondents were opposed to allowing belief organisations to marry couples in unrestricted venues because they thought this would lead to people claiming to follow a non-religious belief system simply because it offered them the opportunity to marry outdoors. Other reasons given by respondents opposed to or concerned about belief marriages taking place in unrestricted venues were that this could compromise the safe keeping of the marriage record books; that it would be difficult to meet health and safety standards in order to ensure the safety of those attending and performing the ceremony; and that it could demean the dignity of marriage, with couples being able to marry in places such as supermarkets.
50. A specific proposal was put forward by the South East Registration Board which was in turn referenced and supported by four other registration services and the National Panel for Registration. This is that the scope of licences for premises approved for civil marriage ceremonies should be extended to include any outdoor space owned by and adjoining these premises, such as a hotel garden or private beach, allowing couples to marry outside. The reasons given are that there is general public demand for outdoor weddings (with many licensed venues already attempting to respond to this demand by investing in outside structures that just about meet the legal requirements), and that this would give couples increased choice and fill the most significant 'gap' in the current provision within established governance arrangements and safeguards.
51. The Church in Wales also commented that the grounds of licensed venues could be considered if there is genuine demand for outdoor ceremonies, and is of the view that if the range of venues is widened, provision should also apply to religious marriages.

#### **Option 3 – Approved premises**

52. This option was supported by 2% of respondents. The main reasons given were that the same restrictions, safeguards and standards as civil marriage should apply; that allowing non-religious belief marriages to take place outdoors would introduce inequality for other organisations solemnizing marriages and for the majority of couples; and that this was the best option for helping to ensure the security of the marriage registers.
53. The BHA made a specific point that, as well as not allowing humanists to get married in a place that is meaningful to them, restricting belief marriages to approved premises would create a new relative disadvantage and inequality for religious groups, since people with non-religious beliefs would be able to have a belief marriage at approved premises but religious people would not. The BHA view is that, given that humanism is a "religion or belief" in law and in most legal contexts not to be distinguished from a religion, allowing approved premises to host humanist marriages would create a serious anomaly.
54. The Church of England also expressed concern that it would be discriminatory on grounds of faith and belief to enable humanists to solemnize marriages in locations where non civil celebrants more generally could not. They commented that if the Government wished to pursue option 3, they would want to see wider consultation on whether religious celebrants should, if their denomination so wished, be able to conduct marriages at approved premises.

55. A very small minority of respondents thought that private dwellings should be able to apply for a one off temporary approval in order to widen the choice of approved premises.

**Question 5 – The Government invites your views on the principle of establishing tests that a belief organisation would have to meet before they could be authorised to solemnize marriages and what these tests might be.**

56. The majority of those responding to this question thought that tests or qualifying criteria should be required of belief organisations as part of an authorisation process. The main reasons given were that such criteria would:

- Ensure that ceremonies were lawful, dignified and of a suitable standard.
- Safeguard against sham and forced marriages.
- Ensure that marriage records were accurate and secure.
- Exclude commercial organisations and generally prevent the creation of a market for marriage solemnization.

57. Many respondents thought that this was best achieved by requiring organisations to:

- be well established and stable;
- have experience of performing ceremonies;
- have charitable status;
- have robust systems in place for selecting, training and supervising celebrants;
- conduct marriage ceremonies that are rooted in its belief system (in order to justify legal recognition and further guard against commercial exploitation of the reform).

58. A high number of these respondents commented that the system in place in Scotland provided a sensible model.

59. The type of qualifying criteria that respondents thought non-religious belief organisations should meet in order to be allowed to solemnize marriages includes those set out in the following table.

<b>Qualifying criteria</b>	<b>Number making this response</b>
Established organisation	40
Existed for a substantial period of time/up to and over 10 years	128
Registered charities	80
Charitable status	92
Bona fide charity/company paying appropriate tax and insurance	12
Community Interest Company	3
Organisation is regulated by a recognised body	4
Organisation must demonstrate that it conducts marriage ceremonies that are rooted in its belief system	98

<b>Qualifying criteria</b>	<b>Number making this response</b>
Organisation has well established, clearly defined beliefs, ethics and values / has values which include support for marriage and what it means to society	27
Organisation is able to meet an equality test/does not breach equality law	7
Organisation is able to meet the requirements of existing marriage law	19
Experience of performing ceremonies/has been conducting ceremonies for a substantial period of time	19
Experience of performing ceremonies for 5 years or more	99
Experience of performing ceremonies for 10 years or more	1
Organisation can demonstrate competence of delivery/has clear and appropriate governance and administrative systems in place	27
Membership based organisation/organisation has robust membership arrangements	9
Minimum or set membership number (to help guard against the creation of groups to deliver ceremonies for profit)	7
Organisation has appropriately selected/qualified/accredited/trained/supervised/insured celebrants	171
Organisation provides mandatory training on sham and forced marriages	28
Organisation is able to demonstrate that celebrants discuss the forthcoming marriage with the couple / carry out pre-marriage counselling on more than one occasion with the couple	2
Organisation can offer provision across England and Wales	1

60. A small proportion of respondents thought that no tests or restrictions were required, or that the only tests necessary should be those determined and imposed by the organisation itself.
61. A number of respondents commented that any tests or qualifying criteria should be standardised and applied in the same way across belief, religious and civil providers of marriage ceremonies, otherwise further inconsistencies and inequalities would be introduced into the system.
62. One respondent commented that standardised training, accreditation and monitoring across all providers was not necessary, but that basic standards should be observed, and that the systems already in place under the Registration Service (including the National Training Strategy and National Training Working Group) should be capable of providing appropriate models of good practice for celebrants from non-religious belief groups.
63. Some respondents expressed uncertainty and concern about how tests would be effectively and consistently applied and made subject to external scrutiny, whose role it

would be to do this, and what measures could be taken if an organisation or individuals failed to operate within agreed criteria. Specific points and concerns included:

- It could be difficult and complex to make tests effective.
  - There would be a need for regular tests to ensure standards were maintained, including because personnel change.
  - There would need to be a robust system for ensuring compliance that involved penalties for non-compliance.
  - Consideration was needed concerning what additional burden might fall on registration services in terms of potentially checking, training or advising organisations and celebrants.
64. A small number of respondents were of the view that the best safeguard would be the presence of a civil registrar at all ceremonies, who would be able to register the marriage and help ensure that the marriage taking place was not sham or forced.
65. Some respondents expressed concern about there being a commercial element to solemnizing ceremonies which would not be removed by limiting registration to charities or not-for-profit organisations. The concern is that if a registered organisation was not-for-profit this would not necessarily be the case for the celebrants it accredited or approved, and there was a risk that some independent celebrants would state that they were humanists, for example, in order to conduct legally valid ceremonies and benefit financially. One respondent said that independent celebrants are charged for training on the basis that becoming a celebrant is a way of making an income for the individual undertaking the training, and it was queried if the celebrant based system in Scotland was truly being delivered on a not-for-profit basis or if this was fully enforceable.
66. Although many respondents thought that there was value in requiring organisations to be established, have charitable status, and to be experienced in conducting ceremonies, a small proportion said that there might be newer, smaller but nonetheless genuine belief organisations who would be excluded by such criteria and find it very difficult or take many years to build up a track record.
67. Some respondents remarked that some of the potential tests outlined in the consultation document, including requiring the organisation to have been in existence for a certain period of time, would give an unacceptable advantage to particular organisations and was likely to be challenged through the courts.
68. Specific points on this issue included:
- Whereas local authorities and churches have a complex procedure for making changes, a belief organisation could presumably dissolve itself on the vote of its members. There needs to be a clear understanding as to what would happen should a belief organisation approved for solemnizing marriages dissolve itself.
  - The same restrictions should apply to celebrants as they do to local authority registrars. Registrars cannot be appointed if they are or have been bankrupt; are a Funeral Director or involved in the cremation business; are a Midwife, Minister of Religion, or medical practitioner; are involved in any business in relation to life assurance and other businesses which are a conflict of interest.

- There should be a regulatory body to oversee accreditation and the power to remove accreditation if standards are not met, whether it is the Local Authority or another organisation able to carry out this function.

***The content of ceremonies***

69. The BHA commented that the existing requirement that marriages be conducted “with open doors” should apply, and that the assumption was that the existing requirement for witnesses would also apply. However, they would prefer not to have to include the statutory words in humanist ceremonies as these are not required for Quaker and Jewish marriages, serve no clear purpose, and have no part in the usages of humanist marriages.
70. The Church of England commented that the requirement in section 14 that “no religious service may be used at a marriage” conducted by a belief organisation raised the complex question of defining what constitutes a religious service. They supported the requirement but thought that the boundary between humanism and some religions was insufficiently rigid to preclude the use of some materials (such as a poem or piece of music) which might strictly be construed as religious. Their view is that, because hard boundaries in this respect may be perceived as impossible to enforce, restricting registration to established, stable and responsible non-religious belief organisations would allow for effective self-policing, on the basis that these organisations would be unlikely to encourage the use of distinctively religious material.

**Question 6 – If belief marriages are allowed, should safeguards that are currently applied to new religious organisations that conduct marriages be extended to belief organisations?**

	All Respondents	
	Number	Percentage
<b>Yes</b>	228	12.0%
<b>No</b>	136	7.2%
<b>Don't know/Don't say</b>	1537	80.9%
<b>Total</b>	1901	100%

71. Marriage law in England and Wales requires a registrar to be present at marriages solemnized by a newly registered religious organisation for the first year following authorisation, with the potential to extend this if there are any procedural concerns.
72. Over half of the respondents on this issue thought that the same safeguards should be applied across belief organisations and religious organisations. The main reasons provided were to reduce and manage risks in relation to sham and forced marriages; to ensure that all aspects of marriage and relevant equalities legislation are upheld; and to make sure that the necessary arrangements were in place for the protection and safe keeping of the marriage records. Some respondents also commented that having a registrar present for the first year following registration was helpful for organisations as the period could be used to assist organisations and individuals in understanding their responsibilities and adapting any existing practices.

73. A number of respondents answering this question (37%) disagreed with this requirement being extended to non-religious belief organisations. More than two thirds of those that disagreed said that it would be unnecessary and burdensome for registrars to attend all ceremonies on the basis that the BHA would probably be the only organisation that would qualify under a change in the law, and that it was an established belief organisation and experienced in conducting marriage ceremonies. Instead, it would be sufficient for a registrar to attend some ceremonies by way of a spot check and the BHA would collaborate with registration services in arranging the training of celebrants in relation to sham and forced marriages.
74. A specific point was made that if the correct safeguards were put in place (such as requiring an organisation to be registered as a charity, to have been carrying out ceremonies for at least five years, and to be able to set out its procedures for selecting, training and accrediting celebrants) it was extremely unlikely that a criminal marriage arranger could make use of any change in the law.
75. A small number of respondents thought that as well as being applied to any newly authorised belief organisations, current safeguards and administrative arrangements should be improved upon more generally. There were concerns that sufficient measures were not in place to deal with errors and the late or non-return of marriage records, and that sanctions were not available for failing to follow agreed procedures and legal requirements. Concern was also expressed that there would be a new burden on local registration services if current arrangements were to be extended to a large number of new organisations or ceremonies.
76. The issue of preventing sham and forced marriages was raised by a number of respondents to this question. Some respondents made specific suggestions regarding the strengthening of safeguards. These were that registration services should be directly involved in training celebrants; that celebrants should be subject to rigorous checks and continuous monitoring; and that celebrants' details should be held on public record with returns made to the General Register Office.
77. In its response the BHA commented that due to the motivation of its celebrants and close monitoring by the Association, it did not believe that there was any risk of sham or forced marriages being conducted by humanist celebrants. It considered that the requirement for celebrants to work in close collaboration with the marrying couple in order to devise and prepare the ceremony as part of their accreditation was itself a safeguard.

**Question 7 – Should marriages by belief organisations, if allowed, be confined to members of the belief organisation?**

	All Respondents	
	Number	Percentage
<b>Yes</b>	245	12.9%
<b>No</b>	154	8.1%
<b>Don't know/Don't say</b>	1502	79.0%
<b>Total</b>	1901	100%

78. Over half of the respondents to this question were of the view that at least one of the marrying couple should be a member of the belief organisation. The principle reasons provided were that this would help root the ceremony in the belief, deter a tendency to commercialisation and ensure that couples choosing the ceremony were not doing so for reasons other than ethical ones (such as choice of venue or attraction to the ‘externalities’ of the ceremony). A small proportion of respondents said that this would be strengthened if individuals had to be members for a specific period of time before they could be married by the organisation’s celebrants.
79. A number of respondents commented that restricting belief marriages to members would help preserve the sanctity and authenticity of ceremonies, maintain standards, and help mitigate against sham marriages. Some thought that belief organisations should only marry their members on the basis that the organisation would be compromising its beliefs by marrying someone who did not share those beliefs.
80. Other respondents commented that not all individuals wished to be paid up members of an organisation whose beliefs and values they subscribed to. It should be enough that a couple shared or had sympathy with humanist or other relevant non-religious beliefs, and that the organisation was satisfied that they were serious about living by those beliefs and values. The point was made by one respondent that for people who are not members of any belief organisation, a humanist or other non-religious belief marriage may still come closer to expressing the foundations of their beliefs and the principles on which they seek to base their marriage than a religious or civil ceremony.
81. Of those disagreeing, a number thought that this matter should be at the discretion of the organisation. Others commented that the restriction did not apply to couples marrying in religious ceremonies and so should not be required of belief bodies. Other concerns raised were that some qualifying organisations may not have a formal membership structure (as this was not inherent in the section 14 definition of belief bodies), that such a requirement could be used as a mechanism to grow membership, and that it lacked feasibility because defining membership was too open to abuse and too difficult to enforce.
82. A small number of respondents used this question to reiterate their view that there should be provisions made for secular celebrants and Interfaith Ministers to be able to conduct legal marriages for those who are of different faiths or who do not have a specific belief or religious practice but who would not class themselves as atheist. It was suggested that this could be achieved by licensing celebrants or associations of celebrants rather than buildings or belief organisations, thereby making the issue of membership irrelevant.

**Question 8 – (i) What do you consider to be the equality impacts of the proposed options on marrying couples who have protected characteristics?**

**(ii) Can you provide any evidence or sources of information that will help us to better understand and inform our assessment of the impact of these proposals?**

83. The majority of those responding to this question said that permitting legally valid non-religious belief marriages would end the inequality in the current law and provide equality between religious and non-religious organisations and individuals by allowing humanists and potentially others with non-religious beliefs to marry in a ceremony rooted in their beliefs conducted by a person who shares those beliefs.

84. A number of respondents said that equal treatment of those with religious beliefs and non-religious beliefs would require allowing them both to have their marriages in a meaningful place. For religious individuals this would be in churches or other places of worship, whereas for humanists it would not be restricted to specific buildings but be in a place that is meaningful to the couple.
85. Some respondents were of the view that any changes should apply equally across belief, religious and civil ceremonies, and in particular that belief bodies should not be able to conduct ceremonies outdoors or in unrestricted venues if the majority of religious organisations and civil registrars could not do the same, including because this would be unfair to and discriminate against the majority of couples seeking to get married. One respondent said that there may be some religious groups who would wish to conduct outdoor marriages but because of the requirement to register buildings are unable to do so, and who would in turn not be able to take advantage from any liberalisation resulting from a change in the law for the benefit of non-religious belief organisations alone.
86. One respondent who had married in a humanist ceremony commented that as a disabled person, who also had disabled guests at their wedding, access was important and it had been beneficial not to be restricted by venue in order to find a place of their choice that was accessible and had suitable facilities. They also said that the place, had it been in England, would have been more personally meaningful and would have had lower impact and fewer equality issues because of the travel difficulties they had to overcome by going to Scotland to have a legally valid humanist marriage ceremony.
87. A small proportion of respondents said that allowing non-religious belief marriages would be positive for same sex couples as they might benefit in a way that was not available to them within certain religious organisations. One respondent said that the BHA should be lauded for the work it had done to provide same sex couples with an option to celebrate their relationships.
88. A small number of respondents said that the right safeguards would need to be in place to ensure that a belief organisation could not discriminate against certain individuals. One respondent made the specific comment that non-religious belief ceremonies should be subject to the same requirements as civil ceremonies which reflected what was required by law.
89. Some respondents were of the view that changing the law more fundamentally to allow secular only marriage was potentially the only way of ensuring equality for all couples. Universal civil preliminaries and universal civil marriage would allow the laws surrounding place and the conducting of marriage ceremonies to be relaxed while at the same time making it more difficult for sham and forced marriages to take place, and couples would have the freedom to choose how they wished to celebrate.
90. A number of respondents said that equality in the law would be achieved by also allowing couples who have separate beliefs or faiths, or who do not adhere to a particular religion but wish to have a multi-faith or spiritual element in their ceremony, to have a marriage that is both legally recognised and able to embrace their beliefs. One respondent who was of this view commented that as an Interfaith Minister he can conduct these types of marriages within the law in Scotland, but this is denied to him in England and Wales.

***Marriages of Same Sex Couples***

91. A very small number of respondents commented that belief organisations and celebrants should not be able to opt out of marrying same sex couples. A smaller number still said that organisations should be required to 'opt in', as is the case with religious organisations. One respondent commented that they would support the right for individual celebrants to opt out.
92. Specific comments made on this issue included:
  - Humanists should not be granted privileges that are not available to other belief systems, including religions, and so for the sake of philosophical consistency, non-religious belief organisations should, like religious organisations, have to opt in to provide such marriages.
  - Since belief organisations do not have religious texts on which their objection to marriages of same sex couples can be based, they should not be able to discriminate against same sex couples, as anyone can subscribe to ethical and moral beliefs. Their celebrants should have the legal compulsion to marry anyone without being able to opt out.
  - As there is already complexity and a number of anomalies within marriage law regarding conducting marriage ceremonies for same sex couples, adding another complication by including belief marriages would be a step too far – the Government should carry out a proper review.

## **Annex B – List of group respondents**

Archbishops' Council of the Church of England  
Birmingham Registration Services  
British Humanist Association  
British Naturism  
Buckinghamshire County Council  
Buckinghamshire Registration Service  
Black Border (UK) Ltd  
Carter Ceremonies  
Celebration Ceremonies & Weddings  
Charity Commission for England and Wales  
Cheshire East Borough Council  
Church in Wales  
Civil Ceremonies Ltd  
Coombe Farm Woods  
Dorset County Council Registration Service  
Ealing Register Office  
East Anglia Registration Board  
Fellowship of Professional Celebrants  
Gloucestershire Registration Service  
Greater Manchester Humanists  
Hampshire Registration Service  
Hertfordshire County Council Registration Service  
Humanist and Secularist Liberal Democrats  
International Humanist and Ethical Union  
Julie Guest Celebrant Services  
Lancashire County Council Registration Services  
Leicester Secular Society  
Bristol Lesbian Gay Bisexual & Transgender (LGBT) Group  
Leicester LGBT Group  
Liverpool Humanist Group  
London Borough of Hackney Registration Services  
London Strategic Registration Board  
Lowestoft Registration Office

Maidenhead Synagogue  
Medway Bereavement and Registration Services  
Milton Keynes Council  
Mothers' Union  
National Panel for Registration (England and Wales)  
New Unity  
Norfolk Secular and Humanist Group  
Northamptonshire County Council Registration Service  
North Lincolnshire Register Service  
North Yorkshire County Council Registration Service  
Nottinghamshire County Council Registration Service  
One Life Ceremonies Ltd  
One Spirit Interfaith Foundation  
Oxford Humanists  
Oxford Registration Service  
Pembroke Lodge  
Poole Registration Service  
Reading Borough Council Registration Service  
Secular Ceremonies  
Shropshire Ceremonies  
Signature Ceremonies  
Solitary Druid Fellowship  
South West London Humanists  
South West Registration Board  
Suffolk County Council Registration Service  
Sutton Humanist Group  
Trafford Register Office  
The School of Conscious Co-Creation  
Unity Civil Celebrancy  
West Midlands Regional Registration Group  
West Sussex County Council Registration Service  
Zena Birch Weddings



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