

LAW COMMISSION CONSULTATION ON WEDDINGS LAW

A GUIDE FOR MARRIAGE SUPPORTERS



CORE CONCERNS

The Law Commission is consulting on its proposed changes to the law on weddings in England and Wales.

The Coalition for Marriage has two main concerns about the proposals:

1. Inadequate safeguards for the dignity of the marriage ceremony.

Currently in England and Wales, wedding licences are granted to specific buildings. But the Law Commission recommends a switch to licensing the 'officiant' (who is responsible for the legal ceremony). While this may have some benefits, it opens up the possibility of weddings while skydiving or in other inappropriate settings. There must be clear safeguards around what counts as a "safe and dignified" location, to reflect the seriousness of the occasion. There must also be safeguards around the content of the ceremony.

2. The removal of 'prescribed words' does not reflect the solemnity of the promises being made.

Civil ceremonies and many religious ceremonies must use a specific form of words set out in statute to state the marriage parties' consent and availability to marry. Under the Law Commission's plans, the parties could use any words they choose, or none at all. It would even be possible to be married without attending your own wedding ceremony! But the rules on prescribed words are not unwarranted restrictions on choice: they are to signal the serious commitment being made. The words of the wedding ceremony must clearly declare the commitment and consent of both parties.

HOW CAN I PARTICIPATE?

The online consultation portal is available at: <https://consult.justice.gov.uk/law-commission/weddings/>

You do not have to respond to every question. All responses must be submitted by **4th January 2021**.

KEY CONSULTATION QUESTIONS

We briefly suggest how to respond to several of the key questions below. The most significant are questions 42, 43 and 48.

We suggest that marriage supporters emphasise the two points above in their responses, but there are other concerns too.

It is very important to use your own words. There are many other questions which you can answer if you wish.

QUESTION 35

This question proposes that officiants should have a responsibility to uphold the 'dignity' and 'solemnity' of marriage. But the duty is limited to the conduct of the officiant rather than the content of the ceremony.

- You can agree with the proposed duty, but say that it does not go far enough. Officiants should have a wider responsibility to ensure that the content and tone of the legal ceremony upholds the dignity and solemnity of marriage.
- Say that the proposals need to define what is meant by 'dignity' and 'solemnity'. The consultation seems to view ceremonies taking place "in the air" as being compatible with these tests, which suggests they are easy standards to reach.

QUESTION 42

This question proposes removing the 'prescribed words' and just requiring an expression of consent "whether orally or otherwise". This could be by simply signing a statement of consent, and one of the parties could do this even if they were not at the wedding ceremony.

Please say No.

- Say that it should not be possible for someone to get married without being present at the wedding ceremony. Simply signing the marriage schedule is inadequate.
- Couples would be able to say anything they like or nothing at all. This is a major departure from the public declarations always considered foundational to the legal marriage ceremony.
- Please state that this risks undermining the solemnity of the wedding ceremony and denying the seriousness of the commitment being made.
- You can note that there is already a large amount of flexibility in the wedding ceremony. The prescribed words are minimal and couples can add to them in all sorts of ways.
- It is not very much to ask that some specific phrases are used to show that both people freely consent to the lifetime commitment they are entering into.
- The idea that a couple should be able to completely personalise their ceremony comes from a wrong view of marriage. A wedding is not just about the couple. The couple enter into a union which is understood by society and has been legally defined. So society and the law have an interest in the making of a public declaration. The logic of a wholly self-defined marriage ceremony is for marriage to be decoupled from the law and wider society. Marriage would become an entirely private matter, rather like a personal hobby.

QUESTION 43

This question proposes that all weddings can take whatever form and ceremony the parties choose, if an officiant agrees.

Please say No.

- You should reiterate the seriousness and solemnity of a marriage ceremony. A particular ceremony should not just be allowed because the couple wants it, but because it is appropriate for such a significant event.
- The idea that a couple should be able to choose everything about a wedding ceremony comes from a wrong view of marriage. A wedding is a public declaration in which society and the state have an interest.
- Unofficial wedding ceremonies have included themes such as Alice in Wonderland, James Bond, Lord of the

Rings, Game of Thrones, Marvel comics, Beauty and the Beast, Harry Potter, Star Wars and Flash Gordon. One had a 'Woodland Fairy themed ceremony with ponies dressed as unicorns' while another couple dressed as hedgehogs. It is very doubtful that many of these reflected how seriously marriage should be taken.

QUESTION 47

This question proposes removing the requirement for weddings to take place with "open doors" (public access).

Please say No.

- You can respond that the "open doors" requirement helps convey the public nature of wedding declarations.
- **The open doors requirement was introduced hundreds of years ago as a protection against forced marriage. This is still a problem in our society.**
- Removing the requirement encourages a false perception that marriage is a private matter without any public significance.

QUESTIONS 48 AND 52

These questions propose a system by which "all weddings should be legally permitted to take place anywhere" as long as the venue is "dignified and safe".

- You should reiterate the seriousness and solemnity of a marriage ceremony. Venues should not simply be allowed because marrying couples want them, but because they are appropriate places to hold such a significant ceremony.
- There are some specific benefits in a wider variety of venues being allowed (for example churches who do not own their own building), but you should express caution that this should not legitimise inappropriate settings.
- Question 48 specifically asks about couples having ceremonies "in the air", meaning the safe and dignified test doesn't seem too hard to meet. Would weddings also be allowed in McDonald's?
- Unofficial wedding ceremonies have taken place in an S&M dungeon, underwater, and at a Comic Book convention with a couple dressed as comic book heroes. It would be completely incompatible with the dignity of marriage for venues like these to host legal weddings.
- For Question 52, explain that there is a lack of clarity in how venues would be tested for "dignity" and "safety". While the proposals call for guidance from the General Register Office, the terms are not defined and stringent safeguards should be proposed.