



MARRIAGE REGISTRATION: UPCOMING REFORMS

The Registry has received a number of queries in recent days regarding Government proposals to modernise the procedures for the registration of marriages. This note provides an update on this project.

What is the project all about?

Currently, all marriages are recorded in paper-based register books. The parties to a marriage receive a marriage certificate. The certificate is a copy of the couple's entry in the register book.

The form and content of marriage registers are set by law.¹ The current regulations provide for marriage entries to contain details of the father of the bride and the father of the groom, but not the mother of either party. This contrasts with the certificate issued on the formation of a civil partnership, which has always included details of both parents.

The current practice is seen by many as discriminatory and anachronistic. Although both of the two major parties have expressed support for changing the system, the legislative impetus has come from private members' bills, including one tabled by Bishop Alan in the House of Lords and an identical bill tabled by Dame Caroline Spelman, the Second Church Estates Commissioner, in the House of Commons.

A practical problem with making this change, however, is the need to replace all 84,000 open register books with new books with an updated form. This would cost some £3m and be environmentally wasteful. For this reason, the updated form of marriage certificate will only be introduced alongside wider reforms to the way in which marriages are formally recorded.

What changes are planned?

The intention is to move away from paper registers in Churches being the definitive records of marriages. Instead, clergy solemnising a marriage would provide the couple with a "marriage document", which would confirm that a marriage had been contracted following ecclesiastical preliminaries.

The couple would then have to deliver this marriage document to a civil registrar so that their details may be recorded on a new electronic register. Once on the electronic register, the couple would receive a final marriage certificate and this new marriage certificate would include the details of the parties' mothers for the first time.

Failure by the couple to deliver the marriage document to a registrar would be a criminal offence.

¹ Currently, the Registration of Marriage Regulations 2015

What is the current status of the reform?

The primary legislation which sets out the framework for the reforms has now been passed by Parliament. It is part of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019.

This Act comes into force on 26 May 2019. However, it is important to note that the Act itself does not make any of the changes described above. Rather, it gives authority to the Secretary of State and the Registrar General to update the regulations relating to the registration of marriages. These regulations will, in due course, introduce the reforms themselves.

For the moment, therefore, nothing has changed. Before the changes may be made, new regulations will need to be drawn up, consulted on and passed through Parliament. They will not come into force until the systems and procedures required to facilitate the new electronic registration arrangements have been developed and tested.

Regrettably, therefore, there remains no facility to record the name of the parties' mothers on wedding certificates (other than, if desired, as witnesses). For the reasons set out above, it is unlikely that the change to the form of certificates will be introduced separately from the wider electronic registration programme. This will need to be communicated with care to couples approaching marriage, as they may have heard in the media of the legislative progress made thus far and assume that the reforms have been completed.

What are the next steps?

The Government has not yet announced a timetable for the reforms, but the Registry understands that the regulations are unlikely to be in place before November or December 2019 at the earliest. Even then, the new regime may only be 'switched on' some months later, to provide for a lead-in period before the new arrangements are in place.

It may be the case that some pressure will come from the Church of England or others to ensure that there is sufficient time after the finalisation of the regulations to allow for the proper training of the many thousands of people involved in marriage formalities.

The next step is likely to be a consultation on draft regulations, which might be expected this Summer or early Autumn.

The ultimate introduction date is a matter for Government and is subject to change. The Registry advises that parishes should not provide anticipated dates for the introduction of the changes to couples especially interested in the reforms until the situation is much clearer.

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