

03 December 2020**Agenda Item:5****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****LAW COMMISSION WEDDINGS CONSULTATION****Purpose of the Report**

1. To advise the Committee of the Law Commission Weddings Consultation.

Information

2. In September 2020 the Law Commission launched a public consultation on proposals to modernise marriage law and give couples greater freedom over where they hold their wedding and the form the ceremony will take. When the consultation is complete, the Law Commission will analyse the responses and develop recommendations for the Government to consider. The Law Commission's 'At a glance' guide to the consultations is provided as an appendix to this report, however the date for responses indicated on the guide has since been extended. Responses to the consultation can now be made until 4 January 2021.
3. The Law Commission was set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting the reform of the law. The Law Commissioners are: The Rt Hon Lord Justice Green (Chair), Professor Sarah Green, Professor Nicholas Hopkins, Professor Penney Lewis, and Nicholas Paines QC. The Chief Executive is Phillip Golding. The main focus of their consultation is on weddings law and covers the rules governing which formalities a couple needs to comply with in order to be legally married, including where they can marry, who can conduct legal marriages, and how marriages should be registered.
4. A wedding is a family celebration, but it also has critical legal importance, marking the day the couple take on new and significant legal obligations to each other. The transition into a legal marriage is strictly regulated by law, and the Law Commissioners are considering how weddings ought to be regulated in the future. A good deal of wedding law in England and Wales dates from the 18th and 19th centuries and was devised at a time when most people lived, married and died within a single community, and shared the same faith and beliefs. Consequently, there is now a marked difference between modern society and marriage law.
5. The Law Commissioner's consultation document asks questions and makes provisional proposals for reform. Their consultation document states that the reform that is provisionally proposed is fundamental. It sets out to produce a system that is simple, fair, and efficient, that ensures the state's interest is protected, but which recognises and respects the wishes and beliefs of individuals.
6. The scheme the Law Commissioners provisionally propose is based on regulation of the ceremony officiant. This would mark a significant change in focus from the current law, under which regulation is based around the building in which the wedding takes place. This has

specific implications for the local authority's role in the approval of premises for civil marriage and revenue arising from the licensing process. Nottinghamshire County Council currently receives approximately £44k per year to cover the cost of work to license approved premises.

7. Under the proposed scheme, weddings would be officiated by someone authorised to do so, to be known as the officiant. The law would prescribe their role and responsibilities, and the categories of person who could act in such capacity. The law would also seek to rationalise the rules governing who can be authorised to be an officiant at a religious or a civil wedding. Officiants would fall into four, possibly five, categories under the proposed scheme:
 - Registration Officers
 - Anglican Clergy
 - Nominated officiants
 - Independent officiants (if authorised by Government)
 - Maritime officiants.
8. New groups of officiants being able to conduct civil wedding ceremonies will have implications for the staffing levels and the income of local registration services. Revenue generated from this work enables local authorities to offset the cost of delivery of aspects of the service that do not raise income sufficient to cover their service costs. At the same time, the changes to the law that are suggested in the consultation document will bring opportunities for businesses to offer new marriage services that will be potentially beneficial to the local economy.
9. In response to the national consultation, Registration Service professional bodies will raise concerns in respect of:
 - Crime and Disorder, including the potential for a lessening of control over of bigamy, sham marriage, and forced marriage.
 - Data Protection and Information Governance issues arising from the possible adverse implications for the handling and secure storage of schedules before and after each ceremony.
 - Safeguarding issues, including in respect of marriages involving mental capacity issues and financial gain, plus consent issues for young people.
10. The consultation document and the details of how to respond are available at:
<https://www.lawcom.gov.uk/document/?document-type=consultations-related-documents&consultation-status=open>

Other Options Considered

11. The report is to advise the committee of the consultation and its implications for local authority registration services. The Committee may wish to respond to the consultation.

Reason/s for Recommendation/s

12. To make the Committee aware of the consultation and the consequent potential for future loss of income and implications for registration service staffing levels.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty,

safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. If legislation is passed to move to an officiant system, and local authorities are no longer able to charge venues to license their premises for marriage, NCC will lose approximately £44k per annum (three year average figure based on the last three financial years, with 66 venues).

RECOMMENDATION/S

- 1) To consider the contents of the report and the potential for loss of future income, and request an update to be provided to the Committee when the outcome of the consultation is known.

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Constitutional Comments (KK 30/10/2020)

15. The proposals in this report are within the remit of the Communities and Place Committee.

Financial Comments (RWK 02/11/2020)

16. There are no specific financial implications arising directly from report. Any financial implications that arise due to changes to marriage law will be reported to a future committee.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None.

Electoral Division(s) and Member(s) Affected

- All.