

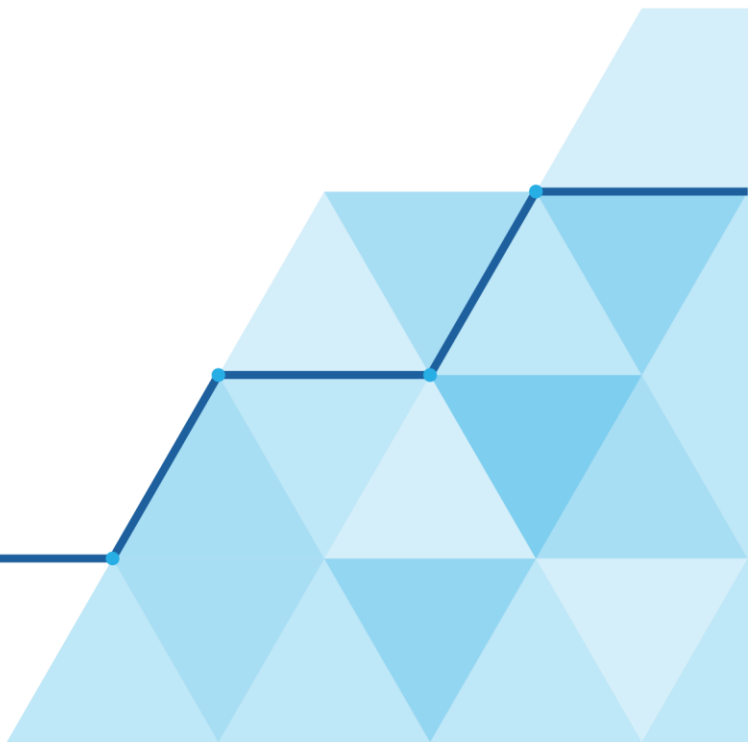


Ministry
of Justice

Outdoor Marriages and Civil Partnerships

This consultation begins on 20/12/21

This consultation ends on 24/01/22





Ministry
of Justice

Outdoor Marriages and Civil Partnerships

**A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/>**

About this consultation

- To:** This consultation is aimed at owners, trustees and other representatives of approved premises or prospective approved premises; representatives of authorities responsible for approvals of premises and for compliance with conditions that attach to approvals; representatives of marriage and civil partnership registration services sitting in local authorities; religious groups or bodies; owners or trustees of places of worship registered for the solemnisation of marriage; authorised persons appointed under the Marriage Act 1949; celebrants; other individuals, companies or bodies involved in the wedding and civil partnership sector; couples who have had or are planning outdoor weddings/civil partnerships in England and Wales, and any other person affected or potentially affected by the proposal to permit both civil and religious outdoor marriages, as well as civil partnerships.
- Duration:** From 20/12/21-24/01/22
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- Response paper:** A response to this consultation exercise is due to be published by 24/04/22 at: <https://consult.justice.gov.uk/>

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Executive summary

This consultation document sets out and seeks views on the Government's proposals to continue to permit outdoor civil marriages and civil partnerships on approved premises, and to permit outdoor religious marriages in the grounds of places of worship.

Since 1 July 2021, couples have been able to have their civil marriage and civil partnership proceedings in the open air, in the grounds of buildings such as stately homes and hotels which are approved or become approved for these civil ceremonies. Previously, these proceedings could only take place indoors or otherwise within permanently immovable structures. These outdoor ceremonies were made possible because the Government laid a statutory instrument ('SI') amidst the Covid-19 pandemic in order to give couples more choice of setting and to support the wedding and civil partnership sector. However, that SI has effect only until the end of 5 April 2022.

The Government proposes to lay a further SI so that these outdoor civil marriage and civil partnership proceedings can continue beyond 5 April 2022 indefinitely. The Government proposes to do that by bringing this further SI into force immediately upon the expiry of the current SI. Since this proposal is subject to this consultation and to ordinary SI procedures, the Government cannot guarantee that the further SI would be in force by 6 April 2022. However, this is the Government's proposal and intention, and the Government will make every effort to provide a seamless transition from the current rules to the replacement rules. In particular, with respect to civil ceremonies on approved premises, the Government proposes to continue to:

- minimise administrative burdens by deeming premises that are already approved for civil ceremonies to include automatically their "linked outdoor areas" (see Glossary);
- provide that new applications (for approval or renewal), and any decisions on these, will automatically extend to linked outdoor areas. Applicant owners or trustees would need to submit plans of the outdoor areas as well as the "built premises";
- require that outdoor locations for the ceremony will need to meet certain conditions including that they are seemly and dignified and that they are identifiable by description so that they can be located.

The SI referred to above would not change the law in respect of religious marriage because the Acts of Parliament under which the SI would be made only created this flexibility regarding premises for civil weddings and civil partnerships, rather than religious marriages (which must generally take place in places of worship of the respective religions, as provided by statute).

Instead, the Government proposes to extend the policy of permitting outdoor ceremonies to religious marriages using a separate legislative reform order, which would provide similar choice

and flexibility to couples seeking religious weddings and to the religious bodies that solemnise the marriages. Due to the longer timescales associated with this proposal (a change to primary legislation is needed to amend the law relating to where religious marriages must take place and legislative reform orders carry a number of additional procedural requirements), the provision for outdoor religious weddings would not be able to come into force in April 2022, as is intended for the civil ceremonies SI.

These changes would be permissive, meaning that no religious group, or owner or trustee of a place of worship that has been registered for marriages, would be obligated to provide outdoor ceremonies. Existing protections to safeguard religious freedom would remain in place, and it would be for religious bodies to identify whether their laws or usages would require amendment and if so, to what effect and in what timeframe.

Together these proposals would ensure that the provision for outdoor marriages and civil partnerships on approved premises continues indefinitely and would extend to religious weddings in the grounds of places of worship. The proposals would enable couples to have a greater choice in relation to the location of their ceremonies, and for approved premises and religious bodies to have more flexibility in the locations for ceremonies should they choose to offer it. The policy would remove the legislative restrictions that require most wedding and civil partnership ceremonies to be held indoors and therefore promote efficiency in the sector. To avoid additional regulatory procedures at this stage, the policy would take effect by automatically deeming current permitted indoor locations to include outdoor locations within property boundaries.

The Government wants to encourage the stability and commitment in family life that marriage and civil partnerships provide. The Government will also consider the case for more comprehensive and enduring reform once the Law Commission has completed its review of marriage law. The Law Commission will separately present options for reforms to modernise marriage law, including how ceremonies could take place in a broader range of locations, who can solemnise a marriage, how marriage by humanist and other non-religious belief organisations could be incorporated, and how provision could be made for the use of independent celebrants. Please note that the matters being covered by the Law Commission review are not within the scope of this consultation. This consultation is limited to seeking input on the Government's proposed policy as set out in this paper, including any effects already experienced or observed since 1 July 2021 as regards ceremonies on approved premises and any anticipated effects of those changes or the proposals to permit outdoor religious weddings in the grounds of places of worship. Only those responses relating to the proposals set out in this paper will be considered.

The Government welcomes views or experiences on how the civil ceremony changes made in July 2021 have been working, as well as any other views on how the proposal to continue the provision for outdoor civil marriages and civil partnerships on approved premises, and to separately permit outdoor religious weddings in the grounds of places of worship, would work or the effects it might have. The consultation is aimed at anyone affected by this proposal, including owners, trustees and other representatives of approved premises or prospective approved premises; representatives of authorities responsible for approvals of premises and for compliance

with conditions that attach to approvals; representatives of marriage and civil partnership registration services sitting in local authorities; religious groups or bodies; owners or trustees of places of worship registered for solemnising marriages; authorised persons appointed under the Marriage Act 1949; celebrants; other individuals, companies or bodies involved in the wedding and civil partnership sector; couples who have had or are planning outdoor weddings/civil partnerships in England and Wales; and any other person affected or potentially affected by this proposal.

Glossary

Term	Definition
2005 Regulations	The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168).
approved premises	Premises that have been approved in accordance with the 2005 Regulations. See also the definition of "premises" below.
built premises	A permanently immovable structure made up of at least a room, or any boat or other vessel which is permanently moored.
civil ceremony SI	SI that would provide for outdoor civil marriage and civil partnership ceremonies in the grounds of approved premises as proposed in this consultation
first SI/initial SI	The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021 (S.I. 2021/775), which took effect on 1st July 2021.
indoors	<p>An area is "indoors" if it is enclosed or substantially enclosed.</p> <p>A space is enclosed and therefore "indoors" if it has a ceiling or roof and, except for doors, windows and passageways, is wholly enclosed either permanently or temporarily.</p> <p>A space is substantially enclosed if it has a ceiling or roof but there is an opening in the walls, or an aggregate area of opening in the walls, which is less than half of the area of the walls, including other structures that serve the purposes of walls and constitute the perimeter of the premises. (Doors, windows or other fittings that can be opened or shut are not taken into account in determining the area of openings).</p> <p>A roof includes any fixed or moveable structure or device capable of covering all or part of the space as a roof, including, for example, a canvas awning.</p>
linked outdoor area	Any areas within the boundary of the land of the built premises, which are not indoors, and which may be used in common with the built premises.
LRO	Legislative Reform Order (LRO) which is a specific type of delegated legislation made under section 1 of the Legislative and Regulatory Reform Act 2006.
premises	Built premises together with linked outdoor areas.
registration authority	The local or registration authority for the area in which premises are situated which is responsible for granting or refusing applications for

	approval of premises and other related functions under the 2005 Regulations.
religious premises	Premises in which the built premises are used solely or mainly for religious purposes.
SI	Statutory instrument that is made by a Minister and laid before Parliament before coming into force. The power to make a statutory instrument is set out in an Act of Parliament, as well as the parliamentary procedure that applies.

Introduction

This paper sets out the Government's proposal to continue to allow outdoor civil marriage and civil partnership ceremonies on approved premises. This policy has already been in effect since 1 July 2021, when the Government laid an SI amidst the Covid-19 pandemic in order to give couples more choice of setting and to support the wedding and civil partnership sector. However, that SI has effect only until the end of 5 April 2022. The Government is therefore proposing to lay a further SI that would come into effect when these changes expire and that would continue to permit these outdoor civil marriage and civil partnership proceedings, as explained in more detail in this paper.

This paper also sets out the Government's proposal to permit outdoor religious marriages in the grounds of places of worship, through a separate legislative reform order. This would allow couples seeking religious marriages at places of worship, as well as religious bodies, to benefit from similar increased flexibility and choice as those seeking civil marriages and civil partnerships on approved premises and help promote greater efficiency in the wedding sector.

As part of our evidence-gathering process, this paper is seeking input on the anticipated effects of these proposals, as well as evidence on how the changes for civil ceremonies on approved premises have already been working in practice. The consultation is aimed at anyone affected by this proposal, including owners, trustees and other representatives of approved premises or prospective approved premises; representatives of authorities responsible for approvals of premises and for compliance with conditions that attach to approvals; representatives of marriage and civil partnership registration services sitting in local authorities; religious groups or bodies; owners or trustees of places of worship registered for the solemnisation of marriage; authorised persons appointed under the Marriage Act 1949; celebrants; other individuals, companies or bodies involved in the wedding and civil partnership sector; couples who have had or are planning outdoor civil weddings/civil partnerships in England and Wales; and any other person affected or potentially affected by this proposal.

A Welsh language consultation paper is available at <https://consult.justice.gov.uk/>

An Impact Assessment indicates that wedding and civil partnership venues with suitable outdoor areas, religious bodies that solemnise marriage, and owners or trustees of buildings registered as places of worship are likely to be particularly affected by the measures proposed in this paper. It has not been possible to monetise the impacts of the proposals put forward. This consultation is part of our evidence gathering that will help to fill the gaps in our knowledge. An initial Impact Assessment is included (page 30) and comments on it are welcome.

The proposals: (1) Outdoor Civil Marriages and Civil Partnerships on Approved Premises

The Government proposes to continue to permit outdoor civil marriage and civil partnership proceedings in the grounds of approved premises. This policy has already been in effect since 1 July 2021 when the Government laid an SI amidst the Covid-19 pandemic in order to give couples more choice of setting and to support the wedding and civil partnership sector. However, that SI has effect only until the end of 5 April 2022. The Government is therefore proposing to lay a further SI that would come into effect when these changes expire and that would continue to permit these outdoor ceremonies indefinitely, thus continuing to offer increased choice and flexibility. The detail of the proposal, which is essentially the same as that which took effect on 1 July 2021, is set out below. Since this proposal is subject to this consultation and ordinary SI procedures, the Government cannot guarantee that a further SI would be in force by 6 April 2022. However, this is the Government's proposal and intention, and the Government will make every effort to provide a seamless transition from the current rules to the replacement rules.

Background

In July 2019, the Government asked the Law Commission to provide recommendations for a reformed law of marriage that allowed greater choice within a simple, fair, and consistent legal structure. On announcing the review in June 2019, the Government also said that it would separately accelerate work to enable civil wedding and civil partnership ceremonies to be held outside.

Whilst this work was ongoing, the Covid-19 pandemic struck. Its widespread effects are well-known and presented significant challenges. They also included significant impacts on the wedding and civil partnership sector and on many thousands of couples who had to postpone or cancel their wedding and civil partnership ceremonies.

In order to offer greater flexibility and choice to couples and to owners of civil wedding and civil partnership venues or prospective venues as soon as possible for the summer 2021 season, the Government announced in June 2021 that it would permit civil marriage and civil partnership proceedings to take place in the open air in the grounds of premises, such as stately homes or hotels, in which rooms or structures were approved for such civil ceremonies. This reform, although limited to civil ceremonies on approved premises, would provide flexibility and choice for a sector in which almost 75% of all weddings are civil ceremonies, and in which over 85% of these are held on approved premises. This reform was limited to civil ceremonies because the Acts of Parliament under which the SI was made only created this flexibility regarding premises for civil

weddings and civil partnerships; religious marriages must generally take place in places of worship of the respective religions as provided by statute. The Government undertook, however, to legislate to enable religious ceremonies to be held in outdoor areas of religious premises when parliamentary time allowed.

These changes took effect on 1 July 2021 via a statutory instrument called the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021 (S.I. 2021/775) (the “initial SI”). The changes made were time-limited (expiring on 5 April 2022) and the Government committed to a public consultation and producing an impact assessment ahead of laying a further instrument in spring 2022. This consultation and accompanying Impact Assessment now fulfil that commitment.

Scope of the proposal

The Government proposes to continue its policy of permitting civil marriage and civil partnership proceedings to take place in outdoor areas linked to premises that are already approved for such ceremonies or that become approved, as set out in the SI that came into force on 1 July 2021 (see ‘Background’ above).

The Government proposes to do so by laying a further SI that would come into force on 6 April 2022 and that would continue to permit such outdoor ceremonies indefinitely. The detail of the proposal, which is essentially the same as that which took effect on 1 July 2021, is set out in this section. Since this proposal is subject to this consultation and ordinary SI procedures, the Government cannot guarantee that a further SI would be in force by 6 April 2022. However, this is the Government’s proposal and intention, and the Government will make every effort to provide a seamless transition from the current rules to the replacement rules.

The proposed SI would apply only to civil marriage ceremonies and civil partnership formations that are to take place on approved premises pursuant to section 26(1)(bb) of the Marriage Act 1949 and section 6(3A)(a) of the Civil Partnership Act 2004 respectively. It would amend the 2005 Regulations just as the initial SI did (see ‘Background’ above).

As was the case for that SI (see ‘Background’ above), this part of the proposed reform would extend only to civil marriage and civil partnership ceremonies to be held on approved premises. The Government is also consulting in this paper on its proposal to permit outdoor religious marriages in the grounds of places of worship through a legislative reform order (see page 15). The Government will also consider the case for more comprehensive and enduring reform once the Law Commission has completed its review of marriage law.

As was also the case for the July 2021 changes, these are permissive changes: venues are not required to offer outdoor ceremonies if they do not wish to do so. Further detail is provided in the next section.

Similarly, the proposed SI would also extend only to England and Wales. Marriage and civil partnership law are reserved matters as regards Wales. Marriage and civil partnership law are devolved to Northern Ireland and Scotland.

Finally, the proposed SI, like the July 2021 changes, would not cover any other reform matters, in particular other matters to be covered by the Law Commission's forthcoming recommendations on fundamental marriage law reform. For this reason, only responses related to the proposals set out in this paper will be considered.

Detail of the proposal

Automatic deeming of currently approved premises to include "linked outdoor areas"

As in the 1 July 2021 changes, all premises that are currently approved for civil marriage and civil partnership ceremonies under the terms of the 2005 Regulations would be deemed to include their "linked outdoor areas". This would minimise administrative burdens for owners and trustees of approved premises, as well as for registration authorities, because new applications would not need to be submitted in order for ceremonies to be held in the linked outdoor areas within the boundaries of the property. Certain conditions would still have to be met, however. This is discussed under 'Conditions' below.

"Linked outdoor areas" would be any areas within the boundary of the land of the "built premises", which are not indoors, and which can be used in common with the built premises.

"Built premises" would essentially be the premises which were previously approved or could previously have been approved under the 2005 Regulations before they were amended on 1 July 2021. They are permanently immovable structures made up of at least a room, or any boat or other vessel which is permanently moored.

"Linked outdoor areas" are also areas that are not "indoors". To distinguish between what is "indoors" and what is not, we propose to continue the approach taken in the initial SI, which took effect on 1 July 2021. Areas would be "indoors" if they are enclosed or substantially enclosed. For more details of what is considered enclosed or substantially enclosed and therefore what is considered indoors, please see the Glossary, at page 4.

As in the initial SI, the automatic deeming would apply to all approved premises, including religious premises for which consent had been obtained under the 2005 Regulations from the relevant religious body for the application for approval¹. The consents would be deemed to attach additionally to the linked outdoor areas which would now form part of the approved premises.

¹ Religious premises may be approved as a place at which two people may register as civil partners of each other (see Regulation 2C(2) of the 2005 Regulations).

However, as mentioned under 'Scope' above, these are permissive changes only. Owners and trustees, whether of religious or non-religious premises, would not be required to offer outdoor ceremonies if they do not wish to do so. It is a matter for each individual venue to decide on, and to ensure, if they do decide to hold ceremonies in the outdoor grounds, that the applicable conditions are met (see 'Conditions' below).

New approvals and renewals would automatically include linked outdoor areas

As in the initial SI, the Government proposes that any new applications for approval, or for renewals of approval, would automatically extend not just to the built premises, but also to the linked outdoor areas. The grant or refusal of any application for approval or renewal would automatically apply both to the built premises and to the linked outdoor areas.

Owners or trustees would be required to include in the application a plan showing the entire premises, including the linked outdoor areas and therefore their boundaries. It would not be necessary to show specific locations within the linked outside areas where it is planned that ceremonies would take place. Applicants would still be required, however, to show the indoor room(s) for which they are applying for approval.

This policy would apply, as in the initial SI, whether the application for approval or renewal were for religious premises for the purpose of holding civil partnership formations, or for non-religious premises. Any requirement under the 2005 Regulations to secure the consent of the relevant religious body for an application for approval would now extend to the linked outdoor areas as well as the built premises.

The proposed SI would also ensure that any applications for approvals or renewals that were in progress before the SI came into force would not need to be re-submitted. When the initial SI came into force, this meant that pending applications did not need to be re-submitted with plans that included linked outdoor areas. However, at the time the proposed SI would come into force, any new applications for approvals or renewals would likely already include plans of the entire premises including the linked outdoor areas, since these would have been submitted to the registration authority since 1 July 2021, when new applications were required to include such plans.

Similarly, any applications under the 2005 Regulations to modify approvals of religious premises or requests to review decisions taken by the registration authority, which were in progress before the SI came into force would not need to be re-submitted. This approach is intended to minimise administrative burdens on existing venues and on registration authorities responsible for these applications and requests.

Conditions

As in the initial SI, it is proposed that certain conditions would attach automatically to use of the linked outdoor areas, in addition to the conditions that attach to the built premises. The registration authority would also continue to be able to attach further conditions that it considers reasonable in order to ensure that the facilities provided are suitable and that proceedings do not give rise to nuisance of any kind, whether the proceedings are held on the built premises or in the linked outdoor areas.

The conditions that would apply automatically to linked outdoor areas are specified separately for those areas linked to non-religious premises, and those linked to religious premises, though there is much similarity between them. This would follow the approach already taken by the 2005 Regulations, which separately specifies conditions for religious premises and non-religious premises, as well as the approach taken by the initial SI.

Seemly and dignified

The conditions which would apply to both religious and non-religious premises are firstly that confirmation would need to be secured, prior to any marriage or civil partnership ceremony within a linked outdoor area, that the proceedings would take place in a seemly and dignified location.

In the case of religious premises, this confirmation would be secured from the registration authority, and in the case of non-religious premises, it would be secured from the superintendent registrar of the district in which the approved premises are situated. In particular, the requirement would be to secure confirmation that in the opinion of the registration authority or superintendent registrar, having regard to the primary use, situation, construction and state of repair, the proceedings would take place in a seemly and dignified location within the linked outdoor areas.

Confirmation could be sought at any point prior to the marriage or civil partnership ceremony being held. In relation to the July 2021 changes, the Government published guidance⁽²⁾ to owners and trustees of approved premises recommending discussion with registration authorities or superintendent registrars prior to arranging any ceremonies.

Where the land in question is not enclosed by a clearly defined boundary (i.e. a fence or other visible marker), the Government guidance provides that the onus would be on the approved premises to satisfy the superintendent registrar or registration authority that the proposed location is within the boundary of the land.

If the outdoor location is deemed not to be seemly and dignified at a point when there is insufficient time to adjust the features of the location, or for reasons that mean a confirmation cannot be secured in time for a planned ceremony, then venues would still be permitted to use an approved indoor location as a back-up.

² See: Guidance for venues: outdoor civil marriage and civil partnership ceremonies - GOV.UK (www.gov.uk).

Within any linked outdoor areas, venues would also have the flexibility to change the proposed location for the proceedings. However, the Government guidance recommends that the responsible person at the approved premises should discuss any changes in advance with the superintendent registrar or registration authority.

Identifiable by description

A further condition that would apply to outdoor areas whether linked to religious premises or non-religious premises, is that the location at which the proceedings would take place must be identifiable by description. This condition would supplement the conditions that already apply to proceedings held in approved premises that public access to any proceedings in approved premises must be permitted without charge.

This condition, together with the condition regarding the display of a suitable notice (see below) would help ensure that those wishing to attend the wedding or civil partnership ceremony in the linked outdoor areas, including members of the public, would be able to locate the proceedings easily, particular where the outdoor grounds of approved premises such as castles, stately homes and zoos are extensive. Descriptions of the location of the ceremony could include references to its proximity to key features or landmarks of the grounds, distances from certain notable locations and directions to follow certain paths or signs.

Suitable notice

As in the initial SI, venues would also be required to display a suitable notice at the public entrance to the premises and to the built premises. The notice would need to state that the premises have been approved for the proceedings, describe the location within the linked outdoor areas at which the proceedings are to take place, and provide directions to that location within the linked outdoor areas. This notice would need to be displayed at each public entrance to the premises and the built premises for one hour prior to and throughout the proceedings. As discussed above, these conditions would be particularly important where the outdoor grounds are extensive, or its features are such that the location would be otherwise difficult to find.

Food and drink

As in the initial SI, it is proposed that no food or drink could be sold to, or permitted to be consumed by, persons gathering for the purposes of the proceedings or during the proceedings, but it could be sold or consumed when not gathering for that purpose i.e. in places within the linked outdoor areas, not in the immediate proximity of the location of the ceremony. It would be permitted to consume non-alcoholic drinks prior to the proceedings. For religious premises it would be permitted to consume food or drink as part of any religious ceremony that takes place prior to the proceedings (see Question 8).

Other matters

The Government published guidance to couples⁽³⁾ and to owners and trustees⁽⁴⁾ of approved premises to assist with applying the new rules that came into force on 1 July 2021. These documents touched on other matters such as planning for inclement weather and consideration of health and safety and other requirements and restrictions that would apply to linked outdoor areas. It is proposed that the Government would consider and refresh these guidance documents in the light of responses received to this consultation.

Civil Partnership Ceremonies on Religious Premises

Certain religious premises are approved premises or can become approved premises for civil partnership ceremonies. The Government proposes that as was the case for the 1 July 2021 changes and as described in more detail above, these ceremonies could take place outdoors, just as they could for non-religious approved premises, as long as the applicable conditions, as set out above, are met.

These religious premises would also benefit from automatic deemed approval of linked outdoor areas. This would mean that where consents were required by religious bodies to the original application for approval of the built premises, these would be deemed to include consent to use of the linked outdoor areas. However, as with the 1 July 2021 changes and as is the case for non-religious premises, the proposed change would be on a permissive basis only, meaning that owners and trustees of religious premises are not obligated to offer outdoor civil partnerships.

For the purposes of applications for new approvals or renewals, the required consent⁵ would need to be obtained for the entire religious premises, including the built premises and the linked outdoor areas. Any new applications for modifications of approvals would also apply automatically to linked outdoor areas. However, again, there would be no obligation for these premises to host outdoor civil partnership ceremonies.

Existing protections to safeguard religious freedom would remain in place so that there would be no requirement for religious bodies to allow the formation of civil partnerships on religious premises, unless they have provided consent under the 2005 Regulations.

Further, it is proposed that as in the 1 July 2021 changes, specific provision would be included to ensure that in relation to a church or chapel of the Church of England, nothing in the proposed SI would be intended to oust the faculty jurisdiction.

³ See: Guidance for couples: outdoor civil marriage and civil partnership ceremonies - GOV.UK (www.gov.uk)

⁴ See: Guidance for venues: outdoor civil marriage and civil partnership ceremonies - GOV.UK (www.gov.uk)

⁵ See Regulation 2D of the 2005 Regulations (together with Schedule A1 to the Regulations) which set out the consents required for the approval of religious premises.

Anticipated benefits of the proposal

The anticipated benefits of this part of the proposal include:

- Removing the legislative restrictions that require most civil wedding and civil partnership ceremonies to be held indoors and therefore promoting efficiency in the sector.
- Supporting the marriage and civil partnerships sector by providing greater choice to couples, and potentially helping venues to meet demand for larger ceremonies. The change will benefit the nearly three quarters of marriages in England and Wales that are non-religious, over 85% of which take place on approved premises, as well as the civil partnerships which take place on approved premises.
- Giving greater flexibility to approved premises by allowing them to host outdoor ceremonies may help to alleviate some of the economic impacts from Covid-19 restrictions on wedding and civil partnership venues and other hospitality services. Furthermore, the proposed automatic deemed approval for existing approved premises to use linked outdoor areas without first needing to obtain re-approval or provide revised plans minimises any additional administrative burden on venues.
- Such reform is a stepping stone towards the Government's consideration of more comprehensive and enduring reform following the Law Commission's recommendations.

The Proposals: (2) Outdoor Religious Marriages at places of worship

The Government proposes to lay a separate statutory instrument known as a legislative reform order ('LRO'), which would permit religious marriages to take place outdoors within the grounds of places of worship in which religious marriages must currently be held. This LRO would apply to all religious marriages, with the exception of Jewish and Quaker weddings, Anglican weddings on the authority of a special licence, and any other religious weddings for those who are ill and not expected to recover. For historical reasons or the exceptional circumstances of the illness, these types of religious wedding have no legislative restrictions on the place of the marriage. The detail of the proposal is set out below. Unlike the civil ceremony SI, these changes would require amendments to primary legislation, and the procedural requirements of an LRO are such that it is not possible to lay it within the same timeframes as the proposed civil ceremony SI.

Background

The legal framework governing the location of the celebration of weddings according to religious rites is different for different religions. Specific rules govern the location of Anglican weddings, Jewish and Quaker weddings, and all other religious weddings.

The rules are broadly as follows:

- **Anglican marriages** are celebrated according to the rites of the Church of England or the Church in Wales and generally take place in an Anglican church or authorised chapel. Parish churches are automatically lawful venues for weddings under the Marriage Act 1949, but chapels must be authorised, which includes by licence by the bishop of the diocese. These include naval, military and air force chapels. The Archbishop of Canterbury also has discretion, based on the Ecclesiastical Licences Act 1533, to issue a special licence to allow an Anglican wedding to take place anywhere. This can be used in circumstances where a person is seriously ill and not expected to recover.
- **Jewish and Quaker** marriages have no statutory restrictions on the location of marriages due to the historical treatment of these religions by marriage legislation, which was carried through to the Marriage Act 1949. Therefore, Jewish and Quaker marriages take place in locations according to Jewish and Quaker usages respectively and can already take place outdoors.
- **Other religious groups** can solemnise weddings at places of worship that have been registered under the Marriage Act 1949. The building must first be certified as a place of religious worship under the Places of Worship Act 1855, and then the owner or trustee of the building must submit an application for registration to the Registrar General, together with a certificate from at least twenty householders stating that the building is being used

by them as their usual place of public religious worship and that they desire that the building should be registered. Certain further consent requirements apply where the building is a shared use building or where it is to be used for same-sex marriages. The application form also confirms whether the building is to be registered under section 41 of the 1949 Act for marriages between a man and a woman, section 43A for marriages of same sex couples, or both. Weddings are also permitted in naval, military and air force chapels that have been registered with the Registrar General, and are exceptionally permitted, under the Marriage (Registrar General's Licence) Act 1970, in other locations such as hospitals, for those who are ill, not expected to recover and cannot be moved to a registered place of worship.

In 2017, 23% of marriages were celebrated according to religious rites (54,346 weddings). 74% of these were Anglican weddings. 11% were Roman Catholic weddings and a further 11% were celebrated by other Christian denominations. 4% were conducted according to non-Christian religious rites.⁶

Due to the terms of the delegated power used to provide for outdoor civil marriages and civil partnerships in July 2021, the civil ceremonies SI could not provide for outdoor religious marriages. Instead, the Government committed to legislating to enable religious marriages to take place outdoors when Parliamentary time allowed. We are now proposing to provide similar choice and flexibility for couples seeking religious weddings and for religious bodies that wish to solemnise weddings in the outdoor areas of their places of worship. We are proposing to do so by way of legislative reform order, which, although it will take longer to come into effect (for reasons explained above), will offer greater choice and flexibility, as we are proposing to do for civil ceremonies.

Scope of the proposal

The Government proposes to allow outdoor religious marriages to take place in the grounds of places of worship in which religious marriages must currently be held. The outdoor areas would essentially be any outdoor areas that are not indoors and which are within the property boundary of the place of worship. To distinguish between what is “indoors” and what is not, we propose to replicate the approach taken in the initial SI in respect of approved premises. This means that areas would be “indoors” if they are enclosed or substantially enclosed. For more details of what is considered enclosed or substantially enclosed and therefore what is considered indoors, please see the Glossary, at page 4.

These changes would be permissive, meaning that no religious group, or owner or trustee of a place of worship that has been registered for marriages, would be obligated to provide outdoor ceremonies. Existing protections to safeguard religious freedom would remain in place, and it would be for religious bodies to identify whether their laws or usages would require amendment and if so, to what effect and in what timeframe.

⁶ Marriages in England and Wales 2017- Office for National Statistics (ons.gov.uk)

This change would not apply to Jewish and Quaker marriages, since the Marriage Act 1949 does not include any requirement relating to the locations of such ceremonies. In other words, it is already up to the Jewish and Quaker faiths whether their marriages can take place outdoors. The change would also not apply to Anglican weddings on the authority of a special licence which can take place anywhere, nor to weddings or civil partnership ceremonies under Registrar General's licence, since there are no statutory restrictions on the location of these weddings owing to the fact that these licences are issued when a person is seriously ill and not expected to recover, and cannot be moved to a place ordinarily required by marriage and civil partnership legislation.

We intend that the proposed changes would be made through a legislative reform order under the Legislative and Regulatory Reform Act 2006. We propose that it would be made subject to the affirmative procedure in Parliament.

The Government is not proposing to extend outdoor ceremonies to weddings and civil partnership ceremonies held in register offices, or to those held in the locations where individuals are 'house-bound' or 'detained' according to the Marriage Act 1949 or Civil Partnership Act 2004. These exceptional locations are permitted in circumstances in which individuals are unable to attend ceremonies in locations otherwise required due to illness, disability or detention in, for example, a prison or secure hospital. The Government is proposing not to do so as it is not aware of any evidence of demand for outdoor ceremonies for these exceptional circumstances and because, the Government will consider the particular circumstances that such reforms would entail as part of its consideration of the Law Commission's recommendations for fundamental reform of marriage law.

The Government is also not proposing to extend outdoor ceremonies to a more extensive range of outdoor locations i.e. to areas not linked to approved premises or places of worship. This would require more fundamental reform of the law on where marriage and civil partnership ceremonies should be able to take place, including breaking the current link with requirements for the location of marriages that flow from buildings (which is the current approach of marriage and civil partnership law), as well as consideration of comprehensive new approval and regulatory requirements for outdoor spaces. Instead, the Government will carefully consider this wider ranging reform after the Law Commission provides its recommendations.

Places of worship will be deemed to include their outdoor grounds

The Government proposes to provide for outdoor religious marriages broadly by taking a similar approach to that proposed for approved premises. That is, places of worship would broadly be deemed to include the outdoor areas within the property boundaries of the rooms or buildings in which marriages must currently be solemnised. However, due to the differences in the legal framework governing religious marriages, and the further differences in the frameworks for different religions, the Government proposes as follows.

Anglican marriages

All churches and chapels in which Church of England or Church in Wales weddings must be held would be deemed automatically to include the outdoor areas within the property boundary. Since there are no statutory requirements for approval or registration (i.e. requirements akin to those

applicable to premises for civil weddings or buildings for other religions), none would apply to the outdoor areas within the grounds of the churches or chapels. It would be a matter for the Church of England and the Church in Wales to determine whether such weddings could or should be held and if so, at which locations and/or in what circumstances.

Further, there would be no effect on the licensing by bishops or other forms of authorisation of chapels under marriage law, including naval, military and air force chapels, nor on the procedures in which the Registrar General is informed of the licensing of chapels. There would not be a need to inform the Registrar General of an intention to use the outdoor areas of authorised chapels or parish churches.

Existing protections to safeguard religious freedom would remain in place so that there would be no requirement for the Church of England or Church in Wales to allow outdoor weddings. Further, it is proposed that specific provision would be included to ensure that in relation to a church or chapel of the Church of England, nothing in the proposed LRO would be intended to oust the faculty jurisdiction.

Any statutory requirements that documents preliminary to or following the wedding must specify the place of the marriage would also be deemed automatically to include the outdoor grounds of the church or chapel. This proposed approach is intended to minimise any additional administrative burden on the Church, couples and on registration services.

Weddings according to other faiths (other than the Jewish or Quaker faiths)

As noted above, marriages according to the rites of religions that are not Anglican, Jewish or Quaker, can only be solemnised in certified places of worship that have been registered with the Registrar General under the Marriage Act 1949. The application for registration must include a certificate from at least twenty householders stating that the building is used by them as their usual place of public religious worship, and that they desire that the building should be registered for the solemnization of marriage.

The application for registration also confirms whether it should be registered for marriages between a man and a woman, for marriages of same sex couples, or both. If the registration is for same-sex marriages, there is a further requirement for a certificate that the relevant governing authority in relation to the building has given written consent to the building being used for same-sex marriages, and for registrations of buildings that are 'shared church buildings', written consents of governing authorities from both churches are also required. Shared church buildings are those shared by more than one group, usually different denominations within the same faith.

The Government proposes the following approach to these requirements.

First, all current registrations of buildings and chapels for the solemnisation of marriages under the Marriage Act 1949 would be deemed automatically to include the outdoor grounds within the property boundary of the place of worship. The registrations would not need to be amended to name or describe the outdoor grounds, which would be consistent with the approach taken to deeming Anglican churches and chapels to include automatically their outdoor grounds without further requirements for description.

Further, certificates from householders and consents from relevant governing authorities which had already been submitted with the applications for the registrations would not need to be amended or re-submitted.

For new applications for registration after the date of coming into force of the LRO, any applications, and any registrations, would automatically extend to the outdoor grounds of the certified place of worship or chapel. There would be no change to the certification requirements under the 1855 Act (i.e. that the building is a place of worship). There would be no need to specify or describe any outdoor grounds with the application for registration to the Registrar General. However, there would be changes as follows. The certification requirement of householders that supports the application for registration of the building and outdoor grounds under the 1949 Act would be changed so that the householders would need to state that they desire that not just the building, but also the outdoor grounds, be registered for solemnising marriages. (They would not need to certify that the outdoor grounds are used as their place of worship.) The consents from the governing authorities, whether for use of the building for same-sex marriages, or where the building is shared use, would also need to extend to the outdoor grounds.

Further, any statutory requirements that documents preliminary to or following the wedding specify the place of the marriage would also be deemed automatically to include the outdoor grounds of the place of worship.

This proposal would avoid or minimise any additional administrative burdens for religious bodies or other owners or trustees of places of worship, as well as for registration services.

Existing protections to safeguard religious freedom would also remain in place so that there would be no requirement for religious bodies to allow outdoor weddings.

Conditions

Since the current marriage law framework for religious weddings does not impose conditions on the use of registered places of worship for solemnisation of marriage akin to conditions applicable to the use of approved premises for civil ceremonies, we propose to continue this policy for the outdoor grounds of the registered places of worship. There would therefore not be any conditions comparable to those imposed for civil ceremonies (see page 11). Instead, it would be a matter for the religious groups to decide whether the outdoor grounds of their places of worship should be used to solemnise marriages and in what circumstances.

Anticipated benefits of Proposal 2

The anticipated benefits of this proposal include:

- Removing the legislative restrictions that require most wedding ceremonies to be held indoors, therefore promoting efficiency in the sector by enabling couples to have a greater choice in relation to the location of their ceremonies, and for religious bodies to have more flexibility in the locations for ceremonies should they choose to offer it. This change will benefit most of the nearly 25% of marriages in the UK that are religious.
- As with the current and proposed reforms for approved premises, there would be no or minimal new procedures; rather the locations where couples can have a religious wedding would now automatically include the outdoor grounds of the otherwise permitted religious buildings and all requisite documents and procedures would be deemed to extend to those outdoor locations. This will provide flexibility and promote efficiency across the sector.
- While it has been assumed that no Covid-related restrictions on marriage ceremonies would be re-imposed after the proposal would be due to come into effect, if these are re-imposed, and depending on their nature, the measure may offer benefits to religious bodies and couples seeking religious weddings by allowing marriages that would otherwise be postponed or downscaled to go ahead if outdoor gatherings are permitted.
- This proposal would also provide couples seeking religious marriages with similar choices and flexibility to that offered to couples seeking civil ceremonies outdoors in the grounds of approved premises.

The Government wants to encourage the stability and commitment in family life that marriage and civil partnerships provide.

Questionnaire

We would welcome responses to the following questions. You may answer as many or as few questions as you choose. In responding to each or any of these questions, please specify and provide details as to:

- whether you are:
 - an individual who participated in an outdoor civil wedding/civil partnership ceremony following the 1 July 2021 changes, or an individual seeking to do so in the future;
 - owner, trustee or other representative of approved premises or premises seeking to become approved, or which might seek to become approved;
 - representative of an authority responsible for approvals of premises and/or for compliance with conditions that attach to approvals, including those that attach to linked outdoor areas;
 - representative of civil marriage and civil partnership registration services sitting in local authorities;
 - representative of a religious body or group;
 - owner or trustee or a registered place of worship for solemnisation of marriages;
 - an authorised person under the Marriage Act 1949;
 - a celebrant;
 - other individual or representative of a company or body involved in the wedding and civil partnership industry;
 - other individual or representative of a company or body affected or potentially affected by this proposal.

- whether you are a person who has one or more protected characteristics as listed below, or represent persons who share one or more of these protected characteristics. If so, please specify which of these protected characteristics applies:
 - age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.

Proposed outdoor civil marriages and civil partnerships statutory instrument

- 1. Have you had experience with an outdoor ceremony on the grounds of approved premises since 1 July 2021? What worked well or did not work well?**
- 2. Have you had experience planning for or seeking an outdoor ceremony on the grounds of approved premises since 1 July 2021? What worked well or did not work well?**
- 3. Have you had experience applying for approval or renewal of approval of premises with linked outdoor areas since 1 July 2021? What worked well or did not work well?**
- 4. Do you have any other comments on how the current provisions allowing outdoor civil marriages and civil partnerships to take place on approved premises have worked since coming into force on 1 July 2021? Do you have any comments on how the proposal to continue these changes might work?**
- 5. Do you believe that the provision for outdoor marriages and civil partnerships within the grounds of approved premises should continue beyond 5 April 2022 when the current provision expires? Please provide reasons for your answer.**
- 6. Are you likely to make use of the option for civil marriage and civil partnership ceremonies to take place outdoors within the grounds of approved premises?**
 - a. If yes, what factors make this likely?**
 - b. If not, what would prevent you from making use of the provision?**
- 7. Do you have any comments on the guidance that Government issued to accompany the statutory instrument which came into force on 1 July 2021? Could it be improved, and if so, how?**
- 8. There is currently a condition restricting the sale of food or alcoholic drinks prior to the proceedings, whether in the relevant room in the built premises or when gathering outdoors for the purposes of the proceedings. (The consumption of non-alcoholic drinks is permitted in the room or outdoor location prior to the proceedings is permitted, as is food or drink consumed as part of any religious ceremony that takes place prior to the proceedings.)**
 - a. Do you have any experience with or comments on this condition?**
 - b. Do you have any comments on the proposal to retain this condition? The condition in the July SI is not specific as to what is meant by gathering for the purpose of the proceedings – do you have any comments on this and whether it should refer to the place within the outdoor grounds in which the proceedings are to be held?**
 - c. Do you agree that the condition should apply whether the proceedings take place inside a room in the built premises or in a place within the linked outdoor area? Please give reasons for your answer.**
 - d. Are your answers the same or different whether the linked outdoor areas are religious premises or non-religious premises?**

9. Do you have any further comments or observations you wish to add?

Additional questions for venues (to the extent not already covered by responses above):

- 10. Have you offered or held outdoor ceremonies on your premises since 1 July 2021?**
- a. What has the level of interest been? Please provide data where available.
 - b. What worked well or did not work well?
- 11. Did the temporary nature of the initial SI (i.e. the fact that the 1 July 2021 changes were going to expire on 5 April 2022) deter you from holding outdoor ceremonies, or from applying for approval of your premises?**
- a. Are you aware of whether couples were interested in but deterred from choosing an outdoor ceremony by the temporary nature of the initial SI? Please provide data where available.
 - b. Are you more likely to take up the opportunity now that the proposed SI would not be time-limited?
- 12. Were there/do you anticipate any additional revenues or costs associated with facilitating outdoor civil marriages or civil partnerships? Please provide as much information as practicable about these additional revenues or costs.**
- a. Did you invest in additional infrastructure?
 - b. Do you consider that any additional costs are commercially worthwhile, or a deterrent to providing outdoor ceremonies?
- 13. For civil wedding or civil partnership venues with or without approved premises status:**
- a. How would the proposal to continue to permit outdoor ceremonies impact your administrative processes in organising outdoor weddings/civil partnership ceremonies? Please provide examples.
 - b. How would the proposal impact costs faced by your venue in organising outdoor weddings/civil partnership ceremonies? Please provide examples.
 - c. What effect would the proposal have on time spent organising outdoor weddings/civil partnership ceremonies?
- 14. Have you experienced any practical benefits or difficulties flowing from the conditions for use of linked outdoor areas for ceremonies? (The proposal to continue these conditions is discussed on pages 11-13 of this paper. The conditions are also listed again below for reference). If you have not yet had any experience with the conditions, do you anticipate any difficulties or benefits? Please provide detail.**
- a. Requirement to secure confirmation that the location is seemly and dignified (see page 11 of this paper);
 - b. Requirement that the location be identifiable by description (see page 12 of this paper);
 - c. Requirement for a suitable notice to be displayed with certain information (see page 12 of this paper);
 - d. Restrictions relating to the consumption and sale of food and drink (see page 12 of this paper). (see also question 8)

15. **Have you had any experience applying the definition of “indoors” (i.e. as opposed to outdoors) or do you anticipate any difficulties with this in practice?**
16. **Venues may wish to have a suitable ‘Plan B’ available in the event of inclement weather. This may be an outdoor covered structure within the linked outdoor areas, or an indoor room that is itself ‘approved premises’. Do you foresee, or have you had experience with any challenges associated with alternative provision for inclement weather? Could this influence or has this influenced decisions to offer or not offer outdoor ceremonies?**
17. **In order to offer contingency space in case of inclement weather, would you plan to provide contingency outdoor arrangements in order to keep your indoor space free to host additional ceremonies, or would you plan to keep your existing indoor structure(s) vacant for this purpose? If you planned contingency outdoor arrangements, what would these be? Would they meet the proposed definition of “outdoors” or would they be enclosed or substantially enclosed and therefore “indoors” according to the proposed definition (See the Glossary)?**

Proposed outdoor religious marriages legislative reform order

18. **Do you support the Government’s proposal to permit outdoor religious weddings in the grounds of places of worship in which weddings must be held, so long as permitted by the respective religious body? Please give reasons for your answer.**
19. **Are you likely to make use of the option for religious ceremonies to take place outdoors within the grounds of places of worship?**
- a. **If yes, what factors make this likely?**
 - b. **If not, what would prevent you from making use of the provision?**
20. **Do you support the proposals:**
- a. **to deem churches and chapels of the Church of England and the Church in Wales to include automatically their outdoor grounds so that marriages can be solemnised in these grounds if the respective Church permits?**
 - b. **to deem current registrations of places of worship for other faiths (other than Jewish and Quaker faiths) to include automatically their outdoor grounds so that marriages can be solemnised in these grounds if the respective religious body permits?**
 - c. **that any new applications for registration of places of worship would extend to the outdoor grounds automatically, but that householders should certify that they desire that the registration extend to the outdoor grounds, and that consents of relevant governing authorities should also extend to the outdoor grounds?**
21. **Do you anticipate there being any difficulties identifying or using the outdoor grounds to a place of worship?**

- 22. Do you support the Government’s proposal not to introduce any conditions for the use of outdoor ground; comparable to those imposed for civil ceremonies?**
- 23. Would the availability of outdoor weddings for religious ceremonies under Proposal 2 impact whether or not you choose to marry using a religious ceremony?**
- 24. Do you have any further comments or observations you wish to add?**

Additional questions for religious bodies or other owners or trustees of places of worship (to the extent not already covered by responses above):

- 25. Do you anticipate any additional revenues or other non-monetary benefits associated with facilitating outdoor religious marriages? Please provide as much information as practicable about these.**
- a. Would you invest in additional infrastructure?**
 - b. Do you consider that any additional costs are a deterrent to providing outdoor ceremonies?**
- 26. In order to offer contingency space in case of inclement weather, would you plan to provide contingency outdoor arrangements in order to keep your indoor space free to host additional ceremonies, or would you plan to keep your existing indoor structure(s) vacant for this purpose? If you planned contingency outdoor arrangements, what would these be? Would they meet the proposed definition of “outdoors” or would they be enclosed or substantially enclosed and therefore “indoors” according to the proposed definition (See the Glossary)?**
- 27. Would you anticipate:**
- a. any changes to your administrative processes in organising an outdoor wedding as opposed to an indoor one? Please provide examples.**
 - b. any costs faced by your organisation/place of worship in organising an outdoor wedding to be any different to an indoor one?**
 - c. that organising a wedding outdoors as opposed to indoors as any quicker or slower?**

Equalities (relating to both civil and religious ceremonies)

- 28. In addition to the ways in which your responses to the questions above touch on any impacts that you experienced as a person who has, or member of a group that shares, one or more protected characteristics, are there any other impacts that you have experienced or anticipate the proposal will have on those with protected characteristics? Please give reasons.**
- a. Do you agree that we have correctly identified the range and extent of the equalities impacts under these proposals set out in this consultation (see in particular page 46? Please give reasons and supply evidence of further equalities impacts as appropriate.**

- b. Do you anticipate any equalities impacts from the scope of these proposals (see 'Scope' sections under Proposals 1 and 2)?**
- c. Are there forms of mitigation in relation to equality impacts that we have not considered?**

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 24/01/22 to:

Natasha Colvine

Ministry of Justice

Family Justice

Area 7.19

102 Petty France

London SW1H 9AJ

Email: outdoorweddings@justice.gov.uk

Complaints or comments

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

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/>.

Alternative format versions of this publication can be requested from outdoorweddings@justice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published within 3 months' of the consultation closing. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

By responding to this consultation, you acknowledge that your response, along with your name/corporate identity will be made public when the Department publishes a response to the consultation in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

The Government considers it important in the interests of transparency that the public can see who has responded to Government consultations and what their views are. Further, the Department may choose not to remove your name/details from your response at a later date, for example, if you change your mind or seek to be 'forgotten' under data protection legislation, if the Department considers that it remains in the public interest for those details to be publicly available. If you do not wish your name/corporate identity to be made public in this way then you are advised to provide a response in an anonymous fashion (for example 'local business owner', 'member of public'). Alternatively, you may choose not to respond.

Impact Assessment, Equalities and Welsh Language

Impact assessment

Title: Outdoor Marriages and Civil Partnerships IA: MoJ016/2021 RPC Reference No: NA Lead department or agency: Ministry of Justice (MoJ) Other departments or agencies: Home Office (General Register Office)	Impact Assessment (IA)			
	Date: 10/12/21			
	Stage: Consultation			
	Source of intervention: Domestic			
	Type of measure: Secondary Legislation			
Contact for enquiries: outdoorweddings@justice.gov.uk				
Summary: Intervention and Options				RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option (in 2021 prices)

Total Net Present Social Value NA	Business Net Present Value NA	Net cost to business per year NA	Business Impact Target Status Non qualifying regulatory provision
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What is the problem under consideration? Why is government action or intervention necessary?

In June 2021, the Government laid a Statutory Instrument (SI) to amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 to permit civil marriage and civil partnership proceedings to take place outdoors, in “linked outdoor areas” on approved premises. The SI sought to support the marriage sector to recover from the impact of Covid-19 by providing couples with greater choice and venues to meet the demand for larger ceremonies. The original SI was a temporary measure which will expire on 5 April 2022 meaning that, after this date and without extension, outdoor marriages and civil partnerships will no longer be possible and the increased flexibility accorded to venues and couples by the initial SI would be lost. Government intervention is therefore required in order to make these changes extend indefinitely beyond this date. We consider that this is necessary in order to continue to support the marriage and civil partnership sector and provide more choice for couples seeking to get married and form civil partnerships. The Government is also proposing to extend the option of permitting outdoor ceremonies to religious marriages through a separate Legislative Reform Order which would provide similar choice and flexibility to couples seeking religious weddings and to the religious bodies that solemnise them.

What are the policy objectives of the action or intervention and the intended effects?

The policy objective is to ensure that the provision for outdoor civil marriage and civil partnership ceremonies continues indefinitely and is extended to religious weddings. The proposals would also enable couples to have a greater choice in relation to the location of their ceremonies, and for approved premises and religious bodies to have more flexibility in the locations for ceremonies should they choose to offer it. The proposals would remove the legislative restrictions that require most wedding and civil partnership ceremonies to be held indoors so promoting efficiency in the sector. In order to avoid additional regulatory procedures at this stage, the policy would take effect by automatically deeming current permitted indoor locations to include outdoor locations within property boundaries. The Government will consider the case for more comprehensive and enduring reform once the Law Commission has completed its **wider** review of marriage law.

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

- **Option 0: Do nothing (baseline):** Let the current SI lapse on April 5th 2022.
- **Option 1:** Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (‘the 2005 Regulations’) via a new SI that would have indefinite effect.
- **Option 2:** Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held.

Options 1 and 2 are the preferred options as they best meet the policy objectives.

Will the policy be reviewed? Potentially, depending on the outcome of the Law Commission Review **date:** NA

Is this measure likely to impact on international trade and investment?	No			
Are any of these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: NA		Non-traded: NA	

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

Signed by the responsible Minister

Tom Pursglove

Date:

14/12/2021

Summary: Analysis & Evidence

Policy Option 1

Description: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new SI that would have indefinite effect

FULL ECONOMIC ASSESSMENT

Price Base Year 2021	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: NA	High: NA	Best Estimate:

COSTS (£m)	Total (Constant Price)	Transition Years	Average (excl. Transition)	Annual (Constant Price)	Total (Present Value)	Cost
Low	NA	NA	NA		NA	NA
High	NA		NA		NA	NA
Best Estimate	NA		NA		NA	NA

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

It has not been possible to quantify any monetised costs associated with this option. We will seek to refine our understanding of option costs by acquiring evidence from the consultation.

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

Venues with suitable premises who wish to be granted a new or renewed approval that includes outdoor space would face additional time costs in providing a plan showing an outline of the boundaries of their premises and venues may face a time cost associated with the inspection and confirmation that the linked outdoor areas are 'seemly and dignified' prior to any ceremony. Venues who choose to offer outdoor ceremonies on their approved premises may face small costs associated with maintaining contingency space in the event of adverse weather conditions. However, we expect only those firms that can sufficiently offset these costs by offering a wider variety of weddings or civil partnership ceremonies would face these costs.

BENEFITS (£m)	Total (Constant Price)	Transition Years	Average (excl. Transition)	Annual (Constant Price)	Total (Present Value)	Benefit
Low	NA	NA	NA		NA	NA
High	NA		NA		NA	NA
Best Estimate	NA		NA		NA	NA

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

It has not been possible to quantify any monetised benefits associated with this option. We will seek to refine our understanding of the benefits of this option by acquiring evidence from the consultation.

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

Couples getting married or entering into a civil partnership at an Approved Premises would benefit from additional choice in where their ceremony would occur. Competition effects may encourage venues without outdoor space to lower their prices in order to remain competitive, this would also benefit couples getting married or entering a civil partnership.

Key assumptions/sensitivities/risks	Discount rate (%)	NA
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For the purposes of this IA, it has been assumed that no Covid-related restrictions on marriage ceremonies would be re-imposed after Option 1 would be due to come into effect (6 April 2022). If these are re-imposed, and depending on their nature, the measure may offer benefits to the wider venue industry by allowing marriages or civil partnerships that would otherwise be postponed or downscaled to go ahead if outdoor gatherings are permitted.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: NA	Benefits: NA	Net: NA	
			NA

Summary: Analysis & Evidence

Policy Option 2

Description: Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held.

FULL ECONOMIC ASSESSMENT

Price Year	Base 2021	PV Base Year	2021	Time Period	Years	Net Benefit (Present Value (PV)) (£m)		
						Low: NA	High: NA	Best Estimate:

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NA	NA	NA
High	NA	NA	NA
Best Estimate	NA	NA	NA

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

It has not been possible to quantify any monetised costs associated with this option. We will seek to refine our understanding of option costs by acquiring evidence from the consultation.

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

For those religious bodies that would need to register their places of worship with the Registrar General in order that they can be used for the solemnisation of marriages (all faiths except Anglican, Jewish and Quaker), and that wish to make new applications due to the possibility of outdoor weddings in the grounds of their places of worship, the religious bodies or other owners or trustees of those places of worship may face a small time cost associated with the application for registration. This time cost would only be incurred by places of worship which are not already registered for the solemnisation of marriage, and would only wish to register if Option 2 were to be implemented.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NA	NA	NA
High	NA	NA	NA
Best Estimate	NA	NA	NA

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

It has not been possible to quantify any monetised benefits associated with this option. We will seek to refine our understanding of the benefits of this option by acquiring evidence from the consultation.

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

Couples getting married in a religious ceremony would benefit from additional choice in where it could be held, provided the religious body offers such outdoor ceremonies. Competition effects may encourage places of worship without outdoor space to lower their prices in order to remain competitive; this would also benefit couples getting married.

Key assumptions/sensitivities/risks

Discount

NA

For the purposes of this IA, it has been assumed that no Covid-related restrictions on marriage ceremonies would be re-imposed after Option 2 would be due to come into effect. If these are re-imposed, and depending on their nature, the measure may offer benefits to religious bodies and couples seeking religious weddings by allowing marriages that would otherwise be postponed or downscaled to go ahead if outdoor gatherings are permitted. Based on limited evidence, it is assumed that the scale of impact of the proposed option on religious bodies would be minimal.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: NA	Benefits: NA	Net: NA	
			NA

Evidence Base (for summary sheets)

A. Background

Outdoor Civil Wedding and Civil Partnership Ceremonies

1. In June 2021, the Government laid a Statutory Instrument (SI) which amended The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') to permit civil marriage and civil partnership proceedings to take place outdoors on approved premises, in "linked outdoor areas".
2. Prior to these amendments, in accordance with how the 2005 Regulations defined "premises", the proceedings were required to take place within a permanent immovable structure or a permanently moored boat or vessel, which had been approved for proceedings, meaning that couples had less flexibility in choosing where their ceremonies took place.
3. These changes took effect on 1 July 2021 and will cease to have effect at the end of 5 April 2022. The Government is now consulting on proposals to extend the policy to allow outdoor civil marriages and civil partnerships to continue indefinitely.
4. The purpose of the options in this Impact Assessment (IA) relating to civil marriages and civil partnerships is to continue to give couples greater flexibility by permitting all aspects of the ceremony to take place outdoors, within the boundary of the land of which the built premises form part. It is also to continue to enable venues that offer civil ceremonies to make greater use of their premises by offering couples the choice of either an indoor or outdoor ceremony, so providing a seamless transition from the initial time-limited SI to the proposed replacement SI with indefinite effect, as far as is possible.
5. Approved premises include hotels, golf clubs and historic houses, some of which have outside areas already used for receptions which follow the legal ceremony in a specified room on the premises. The proposed changes would allow a couple to have their legal marriage or civil partnership ceremony outdoors in areas within the grounds of the same premises. The proposed location for the outdoor proceedings must first have been confirmed to be 'seemly and dignified' by the relevant authority before proceedings take place.
6. 75% of marriages annually are non-religious, over 85% of which take place on approved premises, with the remainder taking place in registrar's offices. Civil partnerships can take place in either approved premises (which can in some cases include religious premises) or a registrar's office. Permitting a ceremony to take place in the linked outdoor areas of premises already approved for these ceremonies is anticipated to be beneficial for couples, who would have greater choice about the setting for their civil marriage or civil partnership. It would also offer benefits for venues, enabling businesses to make greater use of their premises by offering couples the choice of either an indoor or outdoor ceremony.
7. The Government first implemented these changes in July 2021 to support the marriage sector's recovery from the Covid-19 pandemic restrictions which had had a severe impact on the sector. As the peak season for marriages begins in April and runs through to the end of September, the Government concluded that it was important to introduce the changes as soon as possible to give more options to couples and the marriage sector in where civil ceremonies could legally take place.

8. However, the Government committed to undertake a full public consultation on future measures and producing an IA ahead of laying a further, non-time-limited SI in Spring 2022. The Government is now undertaking that consultation and this IA is to support it. The intention is to lay a further SI that would continue to permit these outdoor civil ceremonies, and which would commence on 6 April 2022 i.e. immediately following the expiry of the time-limited SI on 5 April 2022. The SI would be of indefinite effect pending any further Government reform following the Law Commission's forthcoming report, which will present options for reforms to modernise marriage law, including how ceremonies could take place in a broader range of locations, who can solemnise a marriage, how marriage by humanist and other non-religious belief organisations could be incorporated, and how provision could be made for the use of independent celebrants.
9. Since this proposal is subject to this consultation and ordinary SI procedures, the Government cannot guarantee that a further SI would be in force by 6 April 2022. However, this is the Government's proposal and intention, and the Government would make every effort to provide a seamless transition from the current rules to the replacement rules.

Outdoor Religious Weddings

10. The Government is also proposing to offer similar choice and flexibility for religious weddings as for civil ceremonies. It proposes to do so by laying a Legislative Reform Order that would permit religious marriages to take place within the grounds of places of worship (provided the respective religious bodies wish to offer weddings in these locations). This proposal would apply to all religious marriages, with the exception of Jewish and Quaker weddings, Anglican weddings on the authority of a special licence and other religious weddings for the terminally ill, which for historical or exceptional reasons have no legislative restrictions on the place of the marriage.
11. The intention behind this proposal is to provide increased flexibility for religious bodies and couples seeking religious marriages, reducing barriers to efficiency by increasing choice, and delivering comparable benefits to religious weddings as the proposed civil ceremony SI would provide for civil marriages and civil partnerships.
12. These changes would be on a permissive basis, meaning that no religious body would be obligated to provide outdoor ceremonies. Existing protections to safeguard religious freedom would remain in place, and it would be for religious bodies to identify whether their laws or usages would require amendment and if so, to what effect and in what timeframe.
13. Unlike the initial civil ceremony SI proposed above, permitting outdoor religious weddings would require changes to primary legislation which, when made by Legislative Reform Order, can take up to 24 months.

B. Policy Rationale and Objectives

Rationale

14. The conventional rationales for government intervention are based on efficiency and equity arguments. The government may consider intervening if there are failures in the way markets operate (e.g. monopolies overcharging consumers) or failures with existing government interventions (e.g. waste generated by misdirected rules). The new interventions should avoid creating a further set of disproportionate costs and distortions. The government may also intervene for equity (fairness) and re-distributional reasons (e.g. to reallocate goods and services to more deprived groups in society).

15. The principal rationale behind the options assessed in this IA is the promotion of efficiency via the extension of choice. In the absence of the Government's preferred options, individuals seeking a civil marriage or civil partnership would no longer have the option to marry or form a civil partnership outdoors from 6 April 2022 onwards. The proposed options would ensure this choice exists on an indefinite basis for those desiring a ceremony outdoors.
16. At present couples seeking religious weddings according to faiths that do not presently permit outdoor marriage do not have the opportunity to marry outdoors at all. The options in this IA would therefore promote equity as they would also ensure a choice which is available to those seeking civil marriages and civil partnerships becomes available for those seeking religious weddings according to faiths that do not presently permit outdoor marriage, should these religions choose to make this option available.
17. The proposals would minimise any additional administrative burdens on approved premises venues, local registration authorities or religious bodies. Additional administrative burdens on approved premises venues would be minimised by the automatic approval of outdoor spaces for existing approved premises (in the case of civil marriage/partnerships) or the grounds of places of worship in which religious marriages are currently required to be held. As this additional choice would not impose any significant new burdens, the proposals in this IA offer efficiency improvements.

Policy Objectives

18. The associated policy objectives are as follows:

- To remove the legislative restrictions that require most wedding and civil partnership ceremonies to be held indoors, therefore promoting efficiency in the sector by enabling couples to have a greater choice in relation to the location of their ceremonies, and for religious bodies to have more flexibility in the locations for ceremonies should they choose to offer it.
- To ensure that the provision for outdoor civil marriages and civil partnerships continues on a more permanent basis, and is extended to religious weddings, to further enable couples to have a greater choice in relation to their ceremonies. It would add greater flexibility without significantly increasing the administrative burden on venues.
- As far as is possible, to provide a seamless transition from the end of the time limited amending regulations to the new, non-time-limited amending regulations, ensuring that outdoor civil marriages and civil partnerships can continue following the expiry of the current SI and ensure there is no gap in the legality of outdoor civil marriages and civil partnerships on approved premises.

19. Such reform, while narrower in scope than allowing ceremonies to take place in any outdoor area could be seen as a potential stepping-stone towards later, more comprehensive and durable reform via the Law Commission's work.

C. Affected Stakeholder Groups, Organisations and Sectors

20. The options assessed in this IA would directly affect the following groups:

- Couples getting married in a civil ceremony or entering into a civil partnership.
- Couples getting married in a religious ceremony.

- Registrars and local authorities.
- General Register Office (GRO), which holds records of marriages and civil partnerships in England and Wales and who would carry out a data collection exercise to refine our understanding of the scale of outdoor civil wedding and civil partnership take up.
- Venues with suitable outdoor premises, as well as those without suitable outdoor premises, and the wider marriage and civil partnership venue industry.
- Religious bodies and owners or trustees of places of worship who seek to offer outdoor weddings under the law of England and Wales.

D. Description of Options Considered

21. To meet these policy objectives, the following options are considered in this IA:

- **Option 0: Do nothing (baseline). Let the current SI lapse on April 5th 2022.**
- **Option 1: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new Statutory Instrument that would come into immediate effect and be non-time-limited**
- **Option 2: Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held**

22. Option 1 and 2 in combination are preferred as they best meet the policy objectives described above.

Option 0 – Do nothing: Let the current SI and amendments lapse on April 5th 2022.

23. Under this option, the current SI would lapse at the end of 5 April 2022, without providing a replacement of any kind, and no legislative reform order would be laid to provide for outdoor religious weddings. This would therefore remove all provisions for outdoor marriage and civil partnership ceremonies as set out in the current SI, with no suitable or comparable alternative for couples hoping for an outdoor ceremony, and with no provision for outdoor religious weddings, pending any decisions the Government takes in light of the recommendations of the Law Commission.

24. Given that the peak season for marriages begins in April and runs through to the end of September, any couples who wished to have an outdoor civil ceremony on approved premises in summer 2022 would be unable to do so, were the current SI to expire without replacement. The greater flexibility provided by the current SI would therefore be lost, and the options of potential ceremony venues restricted once again. The greater choice and flexibility that a legislative reform order would offer to religious bodies and couples seeking outdoor religious ceremonies by approximately 2023 would also not be available.

Option 1: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new Statutory Instrument that would come into immediate effect and be non-time-limited

25. This option would entail making amendments to the 2005 Regulations, subject to this consultation, that would continue the provision made on 1 July 2021 for outdoor civil wedding and civil partnership ceremonies. However, this SI would be for an indefinite period.
26. These amendments would apply to civil marriage ceremonies and civil partnership formation (including civil partnership formation on religious premises where those premises are approved premises for that express purpose). This option would therefore enable a continuity of current policy and thus the permissibility of outdoor ceremonies indefinitely, pending the results of the Law Commission report and subsequent policy recommendations.
27. The definition of “premises” would be amended to include the “built premises” together with any “linked outdoor areas”. Built premises would be defined as “a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored” and linked outdoor areas would be defined as “any areas within the boundary of the land of which the built premises form part, which are not indoors and which may be used in common with the built premises”. This is intended to capture outdoor locations within the boundary of the same property as the approved premises
28. Furthermore, the impacts of Covid-19 restrictions have been severe on the marriage industry. Many thousands of couples had to postpone or cancel their planned marriage or civil partnership in 2020 and into 2021. Providing a seamless transition if possible between the existing and proposed SI would therefore continue to provide the outdoor option to couples rearranging their ceremonies.
29. Option 1 is therefore one of the recommended options as it would as far as possible provide a seamless transition between the existing time-limited SI and the new, indefinite amendments, thereby avoiding any potential disruption caused by a break in legislative provisions for outdoor marriages and civil partnerships. Furthermore, it would avoid any potential confusion over the legality of outdoor civil ceremonies.
30. These Regulations would extend to England and Wales. Marriage and civil partnership law is a reserved matter as regards Wales. Marriage and civil partnership law are devolved to Northern Ireland and Scotland.

Option 2: Extend the provision of outdoor ceremonies to religious marriages through a separate Legislative Reform Order

31. This option would entail providing for outdoor ceremonies for couples seeking religious marriages through a Legislative Reform Order. This would provide similar increased choice and flexibility to couples seeking religious weddings and religious bodies as Option 1 would provide for couples seeking civil ceremonies and approved premises that host these.
32. The Government proposes to provide for outdoor religious marriages broadly by taking a similar approach to that proposed for approved premises. That is, places of worship would broadly be deemed to include the outdoor areas within the property boundaries of the rooms or buildings in which marriages must currently be solemnised. However, due to the differences in the legal framework governing religious marriages, and the further differences in the frameworks for different religions, the Government proposes as follows:
 - First, Anglican churches and chapels would be deemed automatically to include the outdoor areas within the property boundary.

- For religions in which certified places of worship must be registered under the Marriage Act 1949 in order for marriages to be solemnised, the registrations would be deemed automatically to include the outdoor areas within the property boundary.

33. This option would require amendments to primary legislation, and due to the longer timescales associated with a legislative reform order, provisions permitting outdoor religious ceremonies would not be able to come into force in April 2022 with the proposed civil ceremony SI, but would instead come into force in 2023 at the earliest.

34. Option 2 is therefore also recommended in combination with option 1 as together they best meet the policy objectives set out earlier.

Other Options considered

35. The Government is not proposing to extend outdoor ceremonies to weddings and civil partnership ceremonies held in register offices, or in other locations such as the residences of 'housebound' or 'detained' persons. These exceptional locations are permitted by statute in circumstances in which individuals are unable to attend ceremonies in locations otherwise required due to illness, disability or detention in a prison or secure hospital. The Government is proposing not to do so as it is not aware of any evidence of demand for outdoor ceremonies for these exceptional locations. Instead, the Government will consider this issue as part of its consideration of the Law Commission's recommendations for fundamental reform of marriage law.

36. The Government is also not proposing to extend outdoor ceremonies to a more extensive range of outdoor locations, i.e. to areas not linked to approved premises or places of worship. This would require more fundamental reform of the law on where marriage and civil partnership ceremonies should be able to take place (including breaking the current link with requirements for the location of marriages that flow from buildings), as well as consideration of comprehensive new approval and regulatory requirements for outdoor spaces. Instead, the Government will carefully consider this wider ranging reform after the Law Commission provides its recommendations.

E. Costs and Benefits Analysis

37. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.

38. This IA identifies impacts on individuals, groups and businesses in England and Wales, with the aim of understanding what the overall impact to society would be from implementing the options considered. IAs typically place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However, there are important aspects that cannot sensibly be monetised which might include how the policy impacts differently on particular groups of society or changes in equity and fairness.

39. The costs and benefits of each option are usually compared to the 'do nothing' or 'counterfactual' option, to demonstrate the potential impacts of reform. In this case the 'do nothing' option is allowing the SI laid in June 2021 to expire on 5 April 2022, which would prevent outdoor marriages and civil partnerships from continuing to be permitted on approved premises. It would also mean no legislative change to allow outdoor religious

weddings for faiths that do not already permit such ceremonies. As the counterfactual is compared to itself, its costs and benefits are zero, as its Net Present Value (NPV).

40. Only non-monetised impacts have been included in this IA. It has not been possible to monetise the impacts of the option under consideration. This is because evidence on take up by approved premises of the use of linked outdoor areas under the SI laid in June 2021 is limited. Initial indications suggest take up was low. However, additional take up data will be sought alongside the consultation period. This may refine our understanding of the scale of impact of the provisions under Option 1 for a Final Impact Assessment, should the proposed option 1 be favoured. Secondly, in the case of Option 2, it is not clear what proportion of religious bodies (and within them what proportion of individual places of worship) would wish to permit outdoor weddings.

Option 1: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new Statutory Instrument that would be non-time-limited

Costs of Option 1

Venues with suitable outdoor areas and the wider civil marriage/civil partnership venue industry

Costs associated with premise approval

41. It should be noted that no venue would be obliged to offer outdoor ceremonies as a consequence of Option 1. As such, Option 1 would not automatically impose new costs on venues. The costs described below therefore only apply to venues which opt to offer outdoor ceremonies.
42. Venues which already have approval for the use of indoor room(s) would face a time cost of notifying their local authority of their intention to use outdoor areas within the same boundaries of the land of which the built premises form part. Additionally, venues may face a time cost associated with the inspection and confirmation that the linked outdoor areas are 'seemly and dignified' prior to any ceremony.
43. Venues which are making new applications for approval, or those which are due to renew their approval would face a time cost of developing a plan of the boundaries of their premises to accompany their application to their local authority⁷. Other than this, their application for approval would follow the same process as it would for an indoor space, so there will also be an additional time cost of inspecting the outdoor premises alongside the indoor space.
44. This option may create additional competitive pressures for firms in the marriage and civil partnership venue industry. Venues that are able to host outdoor ceremonies may enjoy a competitive advantage over venues that could not offer this option. For instance, a venue with ample outdoor space may be able to host both a reception and a wedding ceremony. This may result in venues with pre-existing outdoor space, or with the capacity to create such a space, enjoying greater revenues relative to venues that cannot.
45. We do not interpret these competition effects to result in a net benefit or cost to the venues industry more broadly, however, as we interpret the anticipated outcome as a transfer of

⁷ Venues will not need to identify on the plan specific locations within the linked outdoor areas where proceedings are to take place

revenue from less to more competitive venues. The measure is not expected to meaningfully increase demand for marriages or civil partnerships. Therefore, we would not expect the wider marriage venues industry to face a meaningful cost or benefit as a result of this measure.

Costs associated with organising contingency plans in case of inclement weather

46. Under Option 1, venues would need to offer contingency plans for ceremonies during unfavourable weather conditions. Since venues would need to have prior approval for both indoor and outdoor spaces, venues would need to make available their indoor facilities as a contingency space. Venues may therefore face some upfront costs, for example, associated with acquiring additional seating to be available as a contingency.

47. As these costs would result from a commercial decision to offer outdoor weddings or civil partnership ceremonies, the only venues that would face these costs would be those whose cost of organising contingency plans is offset by increases in their income resulting from offering a wider variety of weddings or civil partnership ceremonies.

Registrars and Local Authorities

48. Registrars employed by local authorities would face a small additional time cost to assess plans of premise boundaries for venues which are making new applications.

Benefits of Option 1

Couples getting married in a civil ceremony or forming a civil partnership

49. Some couples who wish to marry via a civil ceremony or enter into a civil partnership may prefer their ceremony to be hosted outdoors. The provisions under Option 1 would allow for this to continue to occur at venues with approved outdoor spaces from 6 April 2022 onwards. Therefore, couples would continue to have greater choice and flexibility in celebrating civil ceremonies.

50. The competition effects outlined in paragraph 44 may encourage venues without outdoor space to lower their prices in order to remain competitive. In this case, couples getting married in a civil ceremony or forming a civil partnership who do not intend to marry outdoors may enjoy lower prices as a consequence of Option 1.

Option 2 – Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held.

Costs of Option 2

Religious bodies and owners or trustees of places of worship who seek to offer outdoor weddings

51. Costs would only result for places of worship that wish to begin solemnising weddings as a result of Option 2. Option 2 would create no additional cost for places of worship that would have planned to solemnise marriages in the absence of Option 2.

52. We would anticipate minimal costs for religious bodies associated with deciding to offer weddings in the outdoor grounds of their places of worship. This is because the proposed option would not create any new requirements for religious bodies to seek approvals.

Consistently with the current legislative framework, the government would consider this to be a matter for the religious bodies to decide whether outdoor weddings according to their faith should be offered in the grounds of their religious premises and in what circumstances. It has not been possible to quantify these costs.

53. For Anglican weddings, churches and chapels authorised by licence of the bishop of the diocese to solemnise marriages would be automatically deemed to include the outdoor area that is within the property boundary. Chapels not currently authorised to solemnise marriages would become authorised by licence of the bishop and there are procedures in which the Registrar General is informed of these chapels, but there would not be a need to inform the Registrar General of an intention to use the outdoor areas of the chapels for a marriage.
54. For those chapels that are not currently licensed, a small time cost would occur as the bishop of the diocese would need to inform the Registrar General where a new licence is granted to solemnise marriages and register certain matters in the registry of the diocese.
55. For religious faiths in which places of worship must be registered under the Marriage Act 1949 in order to be able to solemnise marriages in those locations (i.e. all faiths except Anglican, Jewish and Quaker), any new registration for a place of worship to solemnise marriage would also be automatically deemed to include the outdoor grounds within the property boundary of the place of worship. Therefore, only a small time cost (of registration) to religious bodies or other owners or trustees of these places of worship would be accrued in these instances. For places of worship already registered to solemnise marriage, no costs would be accrued at all.
56. Some religious bodies which decide to offer outdoor weddings may need to amend their own laws or usages to permit outdoor weddings. This may also impose a time cost for these bodies. Further evidence on these costs will be sought as part of the consultation.
57. It is conceivable that some couples who would otherwise marry using a civil ceremony (due to a preference to wed outdoors outweighing a preference to marry via religious rites) would opt to marry in a religious ceremony under Option 2. In this case, some marriages that otherwise would have generated revenue for civil wedding venues would now generate revenue for religious bodies. This would result in a transfer away from civil wedding venues to religious bodies but would not impact overall welfare as per HMT Green Book⁸ guidance (see page 39). Due to the high degree of uncertainty, it has not been possible to model the scale of this transfer.

Costs associated with organising contingency plans in case of inclement weather

58. Under Option 2, it is likely that places of worship would desire to offer contingency plans for ceremonies during unfavourable weather conditions. Places of worship would likely desire to make available alternative indoor facilities as a contingency space. Places of worship may therefore face some upfront costs, for example, associated with acquiring additional seating and/or outdoor coverings to be available as a contingency.
59. As these costs would result from a prior decision to offer outdoor weddings, the only places of worship that would face these costs would be those where the cost of organising such contingency plans is greater than the additional income resulting from offering a wider variety of weddings. We would, however, expect religious groups to adjust the fees they charge for weddings to reflect the costs of such contingency plans.

⁸ The Green Book (publishing.service.gov.uk)

Benefits of Option 2

Couples getting married in a religious ceremony

60. Some couples who wish to marry via a religious ceremony may prefer their ceremony to be hosted outdoors. The provisions under Option 2 would allow for this to occur for all faiths, provided the respective religious faiths permit it. Therefore, Option 2 would create greater choice and flexibility for couples who wish to celebrate a religious wedding.
61. The increased competition that could arise from this may encourage places of worship without outdoor space to lower their prices in order to remain competitive. In this case, couples getting married in a religious ceremony who do not intend to marry outdoors may enjoy lower prices as a consequence of Option 2.

F. Risks and Assumptions

62. The above analysis is based on various assumptions. In this section we identify the main assumptions made with regard to each option and the main risks that might emerge should they not prove to be accurate.

Option 1 – Outdoor Civil Weddings/Civil Partnerships

Volumes of venues and civil weddings/civil partnership ceremonies impacted

63. Evidence indicates that the take up by approved premises of the use of linked outdoor areas under the provisions of the temporary SI laid in June 2021 has been limited. Therefore, we assume the measure under Option 1 would have similarly limited impacts if it comes into force on 6 April 2022. As such, it is anticipated that the scale of any costs or benefits associated with Option 1 would be small.
64. New evidence will however be sought via both the consultation and a data collection exercise due to be carried out by the GRO to refine our understanding of the scale of take up of those previous measures by approved premises. Should evidence come to light that suggests costs or benefits for venues or the wider marriage or civil partnership industry that exceeds the +/- £5m de minimis Equivalent Annual Net Direct Cost to Business (EANDCB) threshold, we would seek to consult the RPC for an opinion.

Covid restrictions on ceremony attendance

65. As of December 2021, there are no Covid-related restrictions on attendance for marriages in England⁹ and Wales¹⁰. For the purposes of this IA, it has been assumed that restrictions would not be re-imposed from April 2022 onwards. This is an assumption that has been made for the purposes of conducting impact analysis and should not be interpreted as an indication of future government policy.
66. If restrictions are re-imposed, it is possible that Option 1 would have a material impact on the number of marriage or civil partnership ceremonies occurring in England and Wales relative to Option 0. This could occur if government restrictions permitted greater attendance

⁹ Coronavirus (COVID-19): Wedding and civil partnership ceremonies, receptions and celebrations - GOV.UK (www.gov.uk)

¹⁰ Alert level 0: guidance for employers, businesses and organisations | GOV.WALES

at ceremonies held outdoors, while restricting or preventing attendance at indoor ceremonies which might not take place as a result.

67. Therefore, it would be expected that if Covid restrictions *are* re-imposed on marriage and civil partnership ceremonies, the provisions under Option 1 may result in a net benefit to the wider venue industry relative to Option 0 in that it would allow ceremonies that would otherwise be postponed to go ahead.

Option 2 – Religious Ceremonies

Volumes of places of worship and religious wedding ceremonies impacted

68. Presently, no data exists to inform an estimated volume of places of worship which would wish to implement outdoor weddings as a result of Option 2 being implemented. As a consequence, it has not been possible to quantify the costs associated with this measure although it is anticipated that the scale of any costs associated with this measure would be small. For example, there may be time costs associated with religious groups needing to change their own law to permit outdoor weddings. Further evidence would be gathered on any time costs associated with changes in religious law that would result should a religious body choose to permit outdoor weddings.

69. Should evidence come to light that suggests impacts on places of worship that exceeds the +/- £5m de minimis Equivalent Annual Net Direct Cost to Business (EANDCB) threshold, we would seek to consult the RPC for an opinion.

Covid restrictions on ceremony attendance

70. As of December 2021, there are no Covid-related restrictions on attendance for marriages in England¹¹ and Wales¹². For the purposes of this IA, it has been assumed that restrictions would not be re-imposed. This is an assumption that has been made for the purposes of conducting impact analysis and should not be interpreted as an indication of future government policy. As such, it has been assumed that, in the absence of any new restrictions, Option 2 would not have any material impact on the number of religious marriages in England and Wales.

71. If restrictions are re-imposed, it is possible that Option 2 would have a material impact on the number of religious marriages occurring in England and Wales relative to Option 0. This could occur if government restrictions permitted greater attendance at ceremonies held outdoors, while restricting or preventing attendance at indoor ceremonies.

72. Therefore, it would be expected that if Covid restrictions *are* re-imposed on religious wedding ceremonies, the provisions under Option 2 may result in a net benefit to places of worship relative to Option 0 in that it would allow ceremonies that would otherwise be postponed to go ahead.

G. Wider Impacts

Equalities

¹¹ Coronavirus (COVID-19): Wedding and civil partnership ceremonies, receptions and celebrations - GOV.UK (www.gov.uk)

¹² Alert level 0: guidance for employers, businesses and organisations | GOV.WALES

73. For the equalities impact of these proposals, please see the Equalities Statement published alongside this Impact Assessment.

Better Regulation

74. The options proposed are currently classed as non-qualifying regulatory provisions. Based on limited evidence, it is assumed that the scale of impact on the wider venue industry and religious bodies is minimal. If evidence comes to light during the consultation that suggests the impacts of either Option 1 or Option 2 exceeds the +/- £5m de minimis Equivalent Annual Net Direct Cost to Business (EANDCB) threshold, we would seek to consult the RPC for an opinion.

Potential implications for trade

75. There are no expected implications for international trade arising from the proposal.

H. Monitoring and Evaluation

76. Appropriate monitoring arrangements would be determined based on the evidence available, including that gained through the consultation.

Equalities

Outdoor marriages and civil partnership ceremonies:

Equality Statement accompanying the Government's consultation

Policy summary

The Government is proposing to continue to allow outdoor civil marriage and civil partnership ceremonies on approved premises. This policy has already been in effect since 1 July 2021, when the Government laid a statutory instrument ('SI') that permits couples to have their civil marriage and civil partnership proceedings in the open air, in the grounds of buildings such as stately homes and hotels which are approved or become approved for these civil ceremonies. Previously, these proceedings could only take place indoors or otherwise within permanently immovable structures.

These outdoor ceremonies were made possible because the Government laid an SI amidst the Covid-19 pandemic in order to give couples more choice of setting and to support the wedding and civil partnership sector. However, that SI has effect only until the end of 5 April 2022. The Government is proposing to lay a further SI that would come into effect when these changes expire and that would continue to permit these outdoor civil marriage and civil partnership proceedings, as explained in more detail in this consultation paper. Whilst as set out in this paper the Government cannot guarantee the further SI would come into effect on 6 April 2022, this is the Government's proposal and intention, and the Government will make every effort to provide a seamless transition from the current rules to the replacement rules.

The Government also proposes to extend the policy of permitting outdoor ceremonies to religious marriages in the grounds of places of worship through a separate legislative reform order (LRO) which would provide similar choice and flexibility to couples seeking religious ceremonies, to the religious bodies that solemnise marriages and other owners or trustees of places of worship that are registered for certain kinds of religious marriages. Due to the longer timescales associated with a legislative reform order, the provision for outdoor religious ceremonies would not be able to come into force in April 2022 as is the aim for the civil ceremonies SI described above.

These changes would be on a permissive basis, meaning that no religious group would be obliged to provide outdoor ceremonies. Existing protections to safeguard religious freedom would remain in place.

The intention is to provide increased choice and flexibility for couples to have outdoor ceremonies, whether they are seeking civil ceremonies or religious marriages, and increased choice and flexibility for owners/trustees of approved premises as well as religious bodies that solemnise marriages.

These changes would not extend to Jewish and Quaker weddings, nor Church of England weddings that take place on the authority of special licence, nor to religious weddings or civil

partnership formations for those who are ill and not expected to recover and who cannot attend at usual required locations, since there are no legislative requirements as to where these must take place.

These changes would also not extend to marriages and civil partnerships that are held in register offices, nor to those held in the locations where individuals are 'house-bound' or 'detained' according to the Marriage Act 1949 or Civil Partnership Act 2004. These exceptional locations are permitted in circumstances in which individuals are unable to attend ceremonies in locations otherwise required due to illness, disability or detention in, for example, a prison or secure hospital. The Government is proposing not to do so as it is not aware of any evidence of demand for outdoor ceremonies for these exceptional circumstances and because, the Government will consider the particular circumstances that such reforms would entail as part of its consideration of the Law Commission's recommendations for more comprehensive and enduring reform.

Equalities impacts

This document records the analysis undertaken by the Department to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010 (the EA Act). The PSED requires the Minister to pay due regard to the need to:

- **eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the EA Act;**
- **advance equality of opportunity between people who share a protected characteristic and those who do not; and**
- **foster good relations between people who share a protected characteristic and those who do not.**

The nine "protected characteristics" under the EA Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We have undertaken an initial equalities assessment against relevant PSED criteria as set out below and will update our equality considerations in the Consultation Response.

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

1. Direct discrimination

The policy does not directly discriminate on the ground of any protected characteristic as it does not result in people being treated less favourably due to any protected characteristic. It permits a wide range of wedding and civil partnership ceremonies to benefit from increased choice and flexibility in the location of ceremonies, using flexibility afforded by

Parliament in providing both for the premises for civil ceremonies to be specified by the Secretary of State, and for increased choice and efficiency in the sector to be provided by legislative reform order. No couple is precluded from holding a marriage or civil partnership ceremony – outdoors or otherwise -- on the basis of a protected characteristic.

Further, no couple is precluded from holding an outdoor marriage on the basis of their belief. Since there is no current provision for marriage according to a non-religious belief, couples wishing to marry according to a non-religious belief must combine this ceremony with a civil marriage or religious marriage. If they opt for a civil marriage, then like all other couples they can do so outdoors regardless of their belief or any other protected characteristic.

The Government will also soon be considering the Law Commission's recommendations for fundamental reform of marriage law including its proposals on where couples should be able to marry and how couples could marry according to non-religious beliefs. This proposal to continue a change put in place on 1 July 2021, and to provide similar reform for religious marriages is a continuing stepping stone to more fundamental reform.

2. Indirect discrimination

Indirect discrimination occurs when a policy applies equally to all individuals but would put those who share a protected characteristic at a particular disadvantage compared to those who do not. As explained below, we have insufficient data at this stage to assess impacts upon people with certain protected characteristics, but our initial view is that the policy does not indirectly discriminate on the ground of any protected characteristic and that the proposals are a proportionate means of achieving our legitimate aim of offering choice and flexibility for outdoor weddings within the current legislative framework ahead of consideration of the Law Commission's recommendations for more comprehensive and enduring reform.

The Government's proposal would provide an option to any couple holding a civil ceremony on approved premises, or a religious marriage at a place of worship, to hold the ceremony outdoors provided the owner/trustee or the respective religious body permits such outdoor ceremonies. The policy is permissive and does not require anyone to do so, including religious bodies and venues. The many thousands of approved premises that are "built premises" will still be available for civil ceremonies, as will register offices, the buildings that are places of worship, and the other locations provided for by statute.

We do not have sufficient data at this stage to understand how many people have had or sought to have outdoor weddings or civil partnerships since the first SI came into force on 1 July 2021, and what the impacts have been so far. We also do not have sufficient data at this stage to understand how many couples marry or enter into civil partnerships via the procedures for house-bound or detained persons, how many of these couples have protected characteristics, and how many would wish or be in a position to marry outdoors if the reform were extended to them. Our initial view is that no person who has a protected characteristic and who is seeking to marry or enter into a civil partnership ceremony outdoors would suffer a disadvantage as a result of this policy, but the Government welcomes input on its consultation.

Discrimination arising from disability and duty to make reasonable adjustments

Disability

If a person is indirectly disadvantaged e.g. on the basis that due to a disability that person is 'house-bound' or 'detained' as specified in the Marriage Act 1949 and the Civil Partnership Act 2004 and seeking to marry or enter into a civil partnership at that place but outdoors, any such disadvantage is considered proportionate to the benefits of choice and flexibility that the proposed policy offers to couples and the wedding and civil partnership sector within the current legislative framework and in which the large majority of ceremonies are held on approved premises or in places of worship. The Government will consider the Law Commission's recommendations for more comprehensive and enduring reform when these are published.

Also, if an outdoor area is inaccessible or less accessible for a person with a disability, this disadvantage would flow from the features of the particular outdoor area, and there are other significant numbers of alternative approved premises and buildings that are places of worship that can be considered, whether indoor or outdoor locations. Any such disadvantage is also considered proportionate to the benefits of choice and flexibility that the policy offers to couples and to the wedding and civil partnership sector, and as stated, the Government will also soon be considering the Law Commission's recommendations for fundamental reform of marriage law including its proposals on where couples should be able to marry. This proposal to continue a change put in place on 1 July 2021, and to provide similar reform for religious marriages is a continuing stepping stone to the Government's consideration of more comprehensive and enduring reform.

Religion or belief

This proposal applies similarly to civil weddings and religious weddings, providing similar choice and flexibility to couples, religious bodies and other owners/trustees, whether for a civil or religious ceremony.

Couples seeking non-religious belief-based ceremonies would continue to do so via civil ceremonies and would therefore benefit from the expansion of approved premises like others engaging in civil ceremonies. The Government will also soon be considering the Law Commission's recommendations for fundamental reform of marriage law including its proposals on where couples should be able to marry and how couples could marry according to non-religious beliefs. This proposal to continue a change put in place on 1 July 2021, and to provide similar reform for religious marriages is a continuing stepping stone to more fundamental reform.

Advancing equality of opportunity and fostering good relations

Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of people seeking outdoor weddings who share a protected characteristic, where those needs are different from the need of those who do not share that particular characteristic.

The proposed policy will provide an option for most civil marriage, civil partnership, and religious weddings to be held outdoors. The possibility to provide for such flexibility in locations for civil ceremonies is afforded by a specific statutory instrument power applicable

to approved premises, and by a separate power to provide for more choice and flexibility in a regulated sector via a legislative reform order.

Further, the Government will also soon be considering the Law Commission's recommendations for fundamental reform of marriage law including its proposals on where couples should be able to marry and how couples could marry according to non-religious beliefs. This proposal to continue a change put in place on 1 July 2021 and to provide similar reform for religious marriages is a continuing stepping stone toward the Government's consideration of more comprehensive and enduring reform following the Law Commission's recommendations.

Fostering good relations

Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposals.

Conclusion

We welcome the views of respondents to the consultation and will update this equalities impact assessment in the Consultation Response. See the equality questions on page 25 of the consultation.

Welsh Language Impact Test

A Welsh language translation of the consultation will be published as soon as possible.

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 Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf



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