



**MARRIAGE OF PRISONERS AND CIVIL PARTNERSHIP REGISTRATION**

<b>This instruction applies to:-</b>		<b>Reference:-</b>
Prisons		<b>PSI 14/2016</b>
<b>Issue Date</b>	<b>Effective Date</b>	<b>Expiry Date</b>
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<b>Issued on the authority of</b>	Operational Policy Sub-Board	
<b>For action by</b>	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> HMPPS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input type="checkbox"/> Heads of Groups</p> <p><input type="checkbox"/> National Probation Service (NPS)</p> <p><input type="checkbox"/> HMPPS Immigration Removal Centres (IRCs)</p> <p><input type="checkbox"/> Other Providers of Probation and Community Services</p> <p><input type="checkbox"/> HMPPS Rehabilitation Contract Services Team</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
<b>Instruction type</b>	<b>Service Specification Support</b>	
<b>For information</b>	All staff in prison establishments	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	<p><b>Updated 15 February 2024:</b> Paragraph 4.3 has been updated to reflect circumstances in which a Governor might raise concerns over a possible sham marriage. Contact details have also been updated.</p> <p><b>Updated 27 February 2023:</b> This Instruction has been updated to reflect the Marriage and Civil Partnership (Minimum Age) Act 2022 which raises the age of marriage and civil partnership to 18 and makes it an offence to cause somebody under 18 to enter a marriage or civil partnership in any circumstances.</p> <p><b>Updated 29 June 2022:</b> A revision has been made to Section 5 to reflect that when prisoners submit applications to marry or register civil partnerships, the Operational Frameworks Team in Operational Services Group must be notified. Paragraph 4.7 has been amended to clarify that Governors should raise any concerns with the Superintendent Registrar or registration authority where there are concerns about an individual entering into a marriage or civil partnership with a prisoner under duress.</p> <p><b>Updated August 2021:</b> This Instruction has been revised at para 9.5 to make it a mandatory requirement to inform Press Office and the Director General/Chief Operating Officer's office in advance of any</p>	

	<p>ceremonies/registrations taking place under escort outside the prison. Paras 9.8 and 9.9 have been added to cover photography/filming of ceremonies/registrations which take place under escort outside the prison.</p> <p><b>Updated April 2021:</b> This policy has been revised in paras 6.1 (iii) and (iv) to reflect that Category C prisoners will not normally be allowed an outside ceremony/registration.</p> <p><b>Updated August 2020:</b> This Instruction has been updated to reflect the change in law with effect from December 2019 in England and Wales which enables mixed-sex couples to register their relationship as a civil partnership as an alternative to marriage, an option that was previously only open to same-sex couples. This has been reflected in paragraph 1.4.</p> <p>The reference and form number at Annex A have been amended. Contact details have also been updated. No other changes have been made</p> <p>This instruction has been developed to update and consolidate guidance and mandatory actions on the handling of prisoners' applications to marry or enter into a civil partnership and to take account of the provisions of the Marriage (Same Sex Couples) Act 2013.</p>
<b>Contact</b>	<p>Prison Operational Policy and Delivery Group  <a href="mailto:PrisonFrameworks@justice.gov.uk">PrisonFrameworks@justice.gov.uk</a></p>
<b>Associated documents</b>	<p><a href="#">PSI 05/2016 Faith and Pastoral Care for Prisoners</a>  <a href="#">Release on Temporary Licence Policy Framework</a>  <a href="#">Prevention of Escapes – External Escorts Policy Framework</a>  <a href="#">PSI 16/2011 Providing Visits and Services to Visitors</a>  The National Security Framework  The Marriage Act 1949  The Marriage Act 1983  The Marriage (Same Sex Couples) Act 2013  The Civil Partnership Act 2004  The Immigration &amp; Asylum Act 1999  The Asylum &amp; Immigration Act 2004  The Anti-Social Behaviour, Crime and Policing Act 2014</p>
	<p><b>Replaces the following documents which are hereby cancelled:</b> - PSO 4450 Marriage of Prisoners and PSO 4445 Civil Partnership Registration</p>
	<p><b>Audit/monitoring:</b> - Mandatory elements of instructions must be subject to management checks and may be subject to self or peer audit by operational line management/contract managers as judged to be appropriate by the managers with responsibility for delivery. In addition, HMPPS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.</p>
	<p><b>Notes:</b> <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i></p>

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## 1. Executive summary

- 1.1 This instruction sets out the legal requirements, policy and procedures for facilitating prisoners' requests to marry (including same sex couples) or enter into a civil partnership in England and Wales. This will ensure that HMPPS fully meets its obligations under the relevant legislation (see Legal Background). This instruction also makes it mandatory for all Governors to consider applications from prisoners for marriage and civil partnership.

### Legal Background

- 1.2 There are four main Acts that apply to parties who are marrying or entering civil partnerships after civil preliminaries, and affect the way in which each party to a civil marriage/partnership formally notifies the registration authority of their intention to marry or form a civil partnership. These arrangements apply where either or both parties are in prison custody. The relevant Acts are:

#### 1.3 Marriage Act 1983

The Marriage Act 1983 amended the Marriage Act 1949 and enables prisoners to marry in the place of their detention. Both parties to the marriage must notify the Superintendent Registrar in person of their intention to marry. The Asylum & Immigration Act 2004 also applies and covers the procedures for persons wishing to marry where either party is subject to immigration control, again where they are marrying after civil preliminaries. In such cases, the parties must give notice of intention to marry to the Superintendent Registrar.

#### 1.4 Civil Partnership Act 2004

The Civil Partnership Act 2004 came into force on 5 December 2005. Section 1 of this Act was amended in December 2019 under secondary legislation, the Civil Partnership (Opposite-sex Couples) Regulations 2019, which was made using a power in the Civil Partnership, Marriages and Deaths (Registration etc) Act 2019. This amendment allows opposite sex couples to enter into a civil partnership in England and Wales, as well as same sex couples. There is specific provision in the Act for "detained persons" who meet the eligibility criteria to register a civil partnership within a prison.

#### 1.5 Marriage (Same Sex Couples) Act 2013

The Marriage (Same Sex Couples) Act 2013 came into effect on 29 March 2014. The main provisions of the Act enable same sex couples to marry in civil ceremonies and ensure that those religious organisations who wish to do so can opt to conduct religious ceremonies for same sex couples. The Act also protects religious organisations and their representatives from successful legal challenge if they do not wish to marry same sex couples. The provisions in the Marriage Act 1949 which enable prisoners to marry in their place of detention apply equally to same sex marriages.

#### 1.6 Marriage and Civil Partnership (Minimum Age) Act 2022

The Marriage and Civil Partnership (Minimum Age) Act 2022 came into effect on 27 February 2023. The Act raises the age at which somebody can marry or register a civil partnership to 18 in England and Wales and makes it an offence to cause somebody under 18 to enter a marriage or civil partnership in any circumstances.

- 1.7 There are a number of distinctions between civil partnership and marriage including:

- A civil partnership is formed when the second civil partner signs the relevant document. This is an exclusively civil procedure.
- A marriage is formed when a couple have exchanged spoken words. Couples who marry may opt for a religious or civil marriage ceremony (in the case of same sex

marriages, the Act provides for religious organisations to opt in to the arrangements).

- 1.8 For both civil partnerships and same sex marriages, notice of the proposed partnership or marriage must be given in person. This is to the registration authority for civil partnerships and to the Superintendent Registrar for same sex marriages. In addition, special provisions apply where either party is subject to immigration control, including the requirement for both parties to give notice of the intended partnership or marriage together.

#### Desired Outcomes

- 1.9 This PSI aims to provide advice and guidance about the legal process to enable prisoners to marry or enter into a civil partnership.

#### Application

- 1.10 *All staff involved in the process of considering prisoners' requests to marry or enter into a civil partnership must be familiar with the content of this instruction.*

#### Mandatory Actions

- 1.11 Mandatory actions are specified in this Instruction by the use of italic typeface.

#### Resource Impact

- 1.12 Prisoners and their partners are expected to pay any costs associated with the marriage/civil partnership. If the ceremony/registration is to take place outside the establishment the prisoner will be required to pay for the cost of transport and any escort to the place where the registration will take place. Governors should inform prisoners of the total cost in advance.

(Signed)

**Yaser El-Borgi**  
**Deputy Director, Prison Operational Policy and Delivery Group**

## **2. Operating Instructions and Specification Outputs**

2.1 Sections 3 to 11 provide guidance and information on the handling of applications for marriage and civil partnerships. Actions that need to be taken by Governors are as follows:

- Ensure the prisoner(s) are eligible (Section 3 refers)
- Consider Public Protection Issues (Section 4 refers)
- Notify the appropriate bodies (Section 5 refers)
- Consider any security issues (Section 6 refers)
- Inform the prisoner(s) that they must meet the legal requirements and any costs (Section 7 refers)
- Facilitate a ceremony/registration inside the prison or arrange an escort to an outside ceremony/registration (Sections 8 refers)
- If the ceremony/registration is to take place outside the establishment the Governor must inform the police (Section 9 refers)
- Consider requests for Religious and Faith ceremonies (Section 10 refers)
- Ensure record keeping is undertaken (section 11 refers)

2.2 There are no specified outputs that apply to this instruction.

### **3. Eligibility**

- 3.1 Where a prisoner wants to marry or enter into a civil partnership in a prison, he or she is required to obtain a statement of authority (see [Annex A](#) and [Annex B](#)) from the prison governor which states that there is no objection to the prison being named as the place at which the marriage or civil partnership will take place.
- 3.2 The statement by the responsible authority is not required if the prisoner is getting married or entering a civil partnership outside the prison.
- 3.3 *Permission for a marriage or civil partnership to take place inside a prison should be given in the following circumstances, subject to section 4:*
- In the case of sentenced prisoners, at the time of their application, the prisoner is not expected to be released or deported, or to have the opportunity to marry or enter a civil partnership while on Temporary Release, within three months of submitting their request.
  - In the case of unsentenced prisoners, the prisoner is likely to remain in custody for three months or longer after their application.
  - In the case of prisoners who have less than three months to serve at the time of their application, where there are exceptional compassionate reasons for allowing the marriage/civil partnership to take place inside the prison sooner, for example, where the marriage/civil partnership is between parents whose child is expected to be born within three months (medical evidence of the likely date of birth will be required) or in the case of someone who is terminally ill.
- 3.4 Prisoners wishing to marry or enter into a civil partnership will also need to confirm that they are:
- Not already in a marriage/civil partnership;
  - 18 years or older at the time of the marriage or civil partnership;
  - Not a close relative of their intended partner.

### **4. Cases of possible concern**

- 4.1 Under Section 27A of the Marriage Act 1949, the Governor must decide whether they have any objection to the prison being named on the notice of marriage as the place where the marriage is to be solemnized. In exercising this discretion, the Governor must be mindful of the need to make every effort possible to facilitate the prisoner's exercise of the right to marry, as per Article 12 of the European Convention on Human Rights.
- 4.2 The Governor is expected to make the necessary practical arrangements to enable the marriage or registration of civil partnership to take place within the prison in a manner which ensures the security of the prison. This may include setting stringent security conditions that have to be fulfilled and/or controlling the timing of the ceremony/registration where particular risk factors are identified. In the event of a rare case where a Governor is concerned that identified security risks cannot reasonably be overcome by measures of this nature, the case should be discussed with HMPPS HQ ([PrisonFrameworks@justice.gov.uk](mailto:PrisonFrameworks@justice.gov.uk)) to agree on the course to be adopted.
- 4.3 Permission cannot be refused solely on the basis of the immigration status of one or both of the parties. There are specific provisions in immigration legislation requiring registrars /registration authorities to refer proposed marriages or civil partnerships to the Home Office for investigation if at least one of the parties is not a relevant national and may benefit from it in immigration terms. A relevant national is a British Citizen, Irish Citizen, a person with settled status or pre-settled status granted under the EU Settlement Scheme (EUSS), or a

person with a decision or appeal pending on an application to the EUSS that was submitted before 1 July 2021. Where a Governor considers that this may apply and has concerns that the marriage may be a sham, they may raise these issues with the relevant Superintendent Registrar or registration authority. Advice should also be sought from HMPPS HQ and Home Office officials via their sham marriage team inbox [JEShamMarriageGovernanceTeam@homeoffice.gov.uk](mailto:JEShamMarriageGovernanceTeam@homeoffice.gov.uk) in any case in which the prison thinks this may apply.

- 4.4 Concerns have been raised in previous cases that allowing a marriage or civil partnership (particularly between sex offenders), may undermine the ability to impose stringent licence conditions on release. However, there have been cases in the past where licence conditions have been imposed which restrict contact between married couples due to risk. Restrictions may be available, for example, if there is evidence to suggest that the parties are colluding to commit further offences or that their association increases their risk of harm. The matter would need to be carefully considered at the time of the prisoner's release to assess whether a restriction on association is necessary and proportionate in view of all the circumstances.
- 4.5 In cases where an application is received from a prisoner who has been assessed as presenting a risk of harm to either the intended partner or their children the Governor should consult with all those responsible for the risk management of the prisoner. This would include relevant prison staff, the interdepartmental risk management team, offender manager and other MAPPA responsible authorities as well as Social Services.
- 4.6 It will then be necessary to decide whether to disclose information about the risk of harm presented by the prisoner (including their offending history) to the intended partner or another third party. It should first be established whether the prisoner consents to such disclosure. If the offender does not consent, staff should refer to [National MAPPA guidance](#) for information on disclosing information in these circumstances, and if necessary seek guidance from the National MAPPA Team: [mappa@justice.gov.uk](mailto:mappa@justice.gov.uk).
- 4.7 If Governors have concerns that a prisoner or their intended partner might be entering into a marriage or civil partnership under duress, or either partner is under the age of 18, this must be raised with the Superintendent Registrar or registration authority. Forcing someone to marry against their will is a criminal offence under Section 121 of the Anti-Social Behaviour, Crime and Policing Act 2014. The Marriage and Civil Partnership (Minimum Age) Act 2022 makes it an offence to do anything intended to cause a child to marry before they turn 18.
- 4.8 Governors should seek advice from HMPPS HQ ([PrisonFrameworks@justice.gov.uk](mailto:PrisonFrameworks@justice.gov.uk)) in any case in which there are concerns about allowing the prison to be used for the marriage/civil partnership.



## 5. **Notification of Applications**

5.1 *At the point a prisoner submits an application to marry or register a civil partnership, the Policy Frameworks Team in Prison Operational Policy and Delivery Group ([PrisonFrameworks@justice.gov.uk](mailto:PrisonFrameworks@justice.gov.uk)) must be notified.*

5.2 *In addition, the Governor must report all applications to marry or register a civil partnership in the following cases:*

- Requests to marry or an application to register a civil partnership from a remand (unconvicted) prisoner must immediately be referred to the local office of the Crown Prosecution Service (CPS). If the CPS has objections to the marriage/registration taking place, it will need to make them directly to the Superintendent Registrar or registration authority and it is for the CPS to substantiate any objections;
- an application to marry or register a civil partnership from a Category A prisoner must be reported to the Category A Team in Long Term and High Security Prisons Group;
- any concerns that the marriage may be a sham, as detailed in paragraph 4.3 above; and
- any concerns that a prisoner or their partner might be entering into a marriage or civil partnership under duress or while under the age of 18 (see paragraph 4.7).

## 6. **Security Considerations**

- 6.1 Once a prisoner's eligibility to marry/form a civil partnership whilst in custody has been confirmed, *the Governor must bear in mind the following security considerations when deciding on the appropriate venue (the considerations below to be applied to women and young people as appropriate to their status):*
- (i) *Prisoners who are Category A, provisional Category A, Restricted Status or on the Escape list generally must not be allowed to marry/register a civil partnership outside of prison. Governors must inform the Category A Team in Long Term and High Security Prisons Group about the prisoner's intention to marry. The prisoner must provide the details of all intended guests, which also should be sent to Category A Team together with details of the proposed arrangements. The Category A Team will consult Police Advisers and advise the Governor of actions to be taken, including security precautions. All guests must be subject to the approved visitor processes. Governors may stipulate any further conditions about guests if required in the interests of security. The Governor must approve the risk assessments completed by the establishment where the marriage ceremony is to be conducted.*
  - (ii) The Governor should also consider where within the establishment the ceremony/registration is to take place and whether there is a possible need for a police presence outside the establishment due to security concerns about the location.
  - (iii) Category B and Category C prisoners will not normally be allowed an outside ceremony/registration. *If an outside ceremony/registration is to be allowed, this must be subject to full risk assessment including an assessment of the risk that the prisoner may attempt to escape (with or without the help of associates); the risk of harm to the public or escorting staff if this were to happen and the risk of public disorder at the venue (see para 6.2).* The Governor should consult the local police, through the police liaison officer, to obtain an up-to-date assessment of the likelihood of an escape attempt, having regard to information available about the prisoner, his/her family and known associates and assess the risk the prisoner would pose in the event of an escape. *The police must also be consulted about the need for a police presence either outside the establishment or at an outside ceremony. For ceremonies within the establishment, the prisoner must be asked to provide details of intended guests.* The Governor may stipulate conditions restricting the number of guests, or refuse to permit a particular guest.
  - (iv) Category D prisoners should normally be permitted to attend an outside ceremony/registration (see para 6.2).
- 6.2 *It is for Governors to decide whether or not a wedding or civil partnership can take place outside the establishment subject to a current risk assessment of both the prisoner and the proposed venue. Decisions must be taken in line with [The Prevention of Escapes – External Escorts Policy Framework](#). In reaching a decision, Governors will also wish to consider the impact that providing an escort could have on escorts for other prisoners (e.g. hospital appointments).*

## **7. Legal Requirements and Responsibilities of Prisoners**

- 7.1 *Governors/Directors must tell prisoners that they are responsible for compliance with the requirements of the civil authorities, regardless of where the ceremony/registration takes place. This includes production of all necessary documentation (e.g. passports, birth certificates, divorce decrees, or parental consent), and payment of any fees. Fees may be paid from earnings, private cash, or money remitted to the prisoner from outside or paid direct to the appropriate authority by the prisoner's partner/fiancé/fiancée.*
- 7.2 *Notice of intention to marry or register a civil partnership must be given in person to the registration authority.*

### **Notice of Intention to Marry/Register a Civil Partnership**

- 7.3 It is a legal requirement for each party to give his/her notice of their intention to marry. Where this is required to be given in person and, if one or both parties are subject to immigration control, the couple may be required to present together to give their notices. The Superintendent Registrar or other relevant representative (such a clergyman) may visit the prison to receive a notice from a prisoner where required. The prisoner or their partner will incur a set fee for travelling expenses, in addition to the standard fee for the Notice of Marriage or Civil Partnership Registration. Details of any current fees can be obtained from the local register office or by contacting the relevant religious organisation. It is the responsibility of the prisoner or their prospective spouse to obtain this information.
- 7.4 The prisoner's partner will also need to give notice in person to the Superintendent Registrar or registration authority before any ceremony/civil partnership registration can take place. In some cases, this might be a different Registrar/registration authority from the one that the prisoner has to give notice to. It is the responsibility of the parties to identify and ensure notice is given properly to the correct Registrar/authority.
- 7.5 When notice is given, both parties will be asked to state the location of the intended marriage ceremony/civil partnership registration having first agreed this with the relevant responsible authority. The ceremony/registration will be in prison or at a register office or premises approved for that purpose.
- 7.6 *Where the intended ceremony/civil partnership registration is to take place in prison, the Governor is required to complete the relevant Statement by Responsible Authority (see [Annex A](#) and [Annex B](#)). This form will be issued to the prisoner or their partner by the Superintendent Registrar/ registration authority on request, and must be completed by the Governor and passed to the prisoner for return to the Superintendent Registrar/ registration authority. Two forms will be necessary where the prisoner and his or her partner have to give notice to different registration authorities. The form should give both the official name of the establishment and the private postal address. However, the prisoner must be advised that they may ask the registration authority to use only the private postal address of the establishment in the notice, if they do not want it recorded that the marriage/registration took place in prison.*
- 7.7 There is a statutory waiting period after each person has given notice of their intention to marry/form a civil partnership, before a certificate of marriage can be issued (which enables the marriage to take place). During this period some details from the notice will be available in the register office for public inspection to allow for any objection to be made. The waiting period may be reduced in exceptional circumstances.
- 7.8 *After formal notice has been given, the registration of the marriage or civil partnership must take place within three months if the marriage or partnership is to be registered in prison custody. This period commences from the day on which notice was recorded. If both parties*

gave notice on different days, the three-month period will commence from the earlier date. If the ceremony/registration is to take place in the community, a 12 month period will apply.

## **8. Ceremonies and Registrations**

- 8.1 *Operational managers must oversee arrangements for marriages/civil partnership registration taking place in prison.* However, it is for prisoners to make all necessary arrangements with the registration authority and/or relevant faith Chaplain in consultation with the Managing Chaplain as necessary/appropriate.
- 8.2 There may be occasions when the faith Chaplain will decline, as a matter of conscience, to conduct the marriage ceremony (between sexes or same sex) in prison (including as stated in paragraph 1.5 where the Faith Group concerned has a fundamental religious objection to civil partnerships and same sex marriage leaving individual Chaplains with no discretion). *This must be respected.* The Chaplaincy will be available for general pastoral support in all circumstances.
- 8.3 The prisoner may sometimes request that a particular member of his or her ministry outside the prison performs the service. In such cases the necessary security and other checks should be made. If no Minister is willing to officiate, the prisoner may choose to go ahead with a civil ceremony only.

### Marriage

- 8.4 Guidance on religious ceremonies can be found in the faith annexes [in PSI 05/2016, Faith and Pastoral Care for Prisoners](#), and further advice can be sought from the Chaplaincy Team or the relevant Faith Adviser. A civil ceremony requires the presence of both the Superintendent Registrar and Registrar. For both religious and civil ceremonies, the Governor will decide, in consultation with any faith Chaplain involved, on the most appropriate place to hold the ceremony. For religious ceremonies, this will normally be the chapel, Muslim prayer room or multi-faith room used for services of the religion or denomination concerned. Registrars will not conduct their part of the ceremony in any religious building.
- 8.5 If the ceremony is conducted by a Church of England Chaplain (where the Chaplain is a priest), they will enter the marriage on the parish register book, which will be given to them for the occasion. There is no need for the Registrar to be present. Other marriage ceremonies, in which another faith chaplain is asked to officiate, are likely to require the presence of the Registrar, who will charge a fee. This fee will be met by the prisoner or his/her partner. Once the Registrar has completed their official duties, the appropriate faith Chaplain may then perform the religious part of the wedding ceremony.

### Civil Partnership Registration

- 8.6 A civil partnership is registered once the couple have signed the civil partnership document in the presence of a Registrar and two witnesses. Civil partnership registration is an entirely secular process, and the Civil Partnership Act does not permit any religious service from taking place while the civil partnership registrar is officiating at the signing of the civil partnership document.
- 8.7 A ceremony is not required under the Civil Partnership Act. This is a matter for the prisoner or his/her proposed civil partner to discuss with the registration authority concerned. The registration should take place in an appropriate room, taking care to make it as pleasant as possible. *Given the secular nature of the registration, the chapel, multi faith room or any place of worship must not be used as a venue.*

Guests

- 8.8 *Prisoners must be informed that only a reasonable number of guests will be allowed to attend the ceremony/registration, including two witnesses, and that guests will be subject to the routine searching process upon entry to the prison. The precise number will be for the Governor to decide in the light of local circumstances, including the security implications and the availability of staff to escort the guests. Due consideration should be given to the importance to the prisoner and their family of having close family members or close friends present at the marriage or civil partnership registration. The prisoner is required to give full details of all guests attending well in advance of the proposed date of the ceremony in order to complete security clearances.*
- 8.9 *The Governor may refuse admission to any guest and must do so in writing (see guidance on Visits in [PSI 16/2011 Providing Visits and Services to Visitors](#)). In the rare event of someone wishing to enter an objection to a marriage/civil partnership taking place in prison before the day of the ceremony, he or she should be referred to the Superintendent Registrar/ registration authority. If the person arrives at the prison on the day of the ceremony/registration, he/she should be allowed to speak to the Superintendent Registrar, officiating Registrar/ faith Chaplain.*

## 9. Ceremonies Outside the Establishment

- 9.1 Ceremonies outside the establishment should only take place after consideration of the requirements set out in the [Prevention of Escapes – External Escorts Policy Framework](#). An assessment of the risks involved should be completed before any indication is given that an outside ceremony can go ahead. *Governors must ensure there is discussion with prisoners who have an upcoming release date about the possibility of postponing their wedding/civil partnership registration until after release, particularly where they would like to have an outside ceremony/registration but this cannot be allowed for security reasons or public protection reasons.* Prisoners may prefer to wait until after release to make the arrangements and also avoid the extra cost of having the Registrar visit the prison.

### Temporary Release

- 9.2 Temporary release may be granted under a Special Purpose Licence for the purpose of marriage or civil partnership. Equally, a prisoner may be permitted to marry (or enter a civil partnership) when on resettlement day release or resettlement overnight release, if they are eligible (see eligibility requirements in [Release on Temporary Licence Policy Framework](#)).
- 9.3 A prisoner who is released on temporary licence for this purpose will normally be expected to arrange and pay for his/her own transport. Governors may provide official transport but the prisoner should pay the actual cost. These charges may be paid from earnings, private cash or money remitted to the prisoner.

### Escorts

- 9.4 Where prisoners are not eligible under [Release on Temporary Licence Policy Framework](#) for temporary release, they must be under a security escort for a marriage or civil partnership taking place outside the establishment (see section 6).
- 9.5 *On the rare occasions where a marriage ceremony or civil partnership is to take place outside the establishment under escort, it must be arranged at the register office, or place of worship of the appropriate denomination nearest to the prison. Subject to security considerations, the couple will be able to decide, within reason, the date and time of the ceremony. The local police must be informed of the ceremony, including details of the venue, the relevant times, and any other details they may require, even if a police presence is not required on the day. Prior to any external marriage/civil partnership registration taking place outside the establishment under escort, the establishment must inform Press Office and the Director General/Chief Operating Officer's office of the details.*
- 9.6 *The security assessment must cover the room in which the ceremony/registration is to take place and any other parts of the building that the prisoner will have access to. Arrival and departure routes must also be checked.*
- 9.7 The security assessment for the venue must be up-to-date (i.e. in situations where a venue might have been assessed previously for other prisoners who have had a marriage ceremony or formed a civil partnership there). Detailed information on the location and layout of the intended premises and precise instructions on the use of restraints should be given to the escorting officer(s) as part of the initial briefing. *Decisions taken around security, including the use of restraints, must be in line with [Prevention of Escapes – External Escorts Policy Framework](#).*
- 9.8 *Consideration should be given to modern technologies allowing illicit filming, photography, live streaming of the ceremony and the associated risks. The escort risk assessment must specify any restrictions to photography or filming.*

- 9.9 *The prison should contact the person the prisoner is marrying/registering a civil partnership with in order to explain the security guidelines to be followed by all attending the ceremony. This may include restrictions on photographs and asking for all guests to respect the privacy and safety of all, and not to film / photograph illicitly, or to photograph prison staff. Escorting staff should submit a security intelligence report on return to the establishment if they have any suspicions of illicit photography / filming taking place during the escort.*



10. **Requests for Purely Religious/Faith Ceremonies without any intention for subsequent civil registration**
- 10.1 Guidance on religious ceremonies can be found in the faith annexes of [PSI 05/2016, Faith and Pastoral Care for Prisoners](#) and further advice can be sought from the Chaplaincy Team or the relevant Faith Adviser. The Governor has the discretion to decide whether to permit a purely religious ceremony to take place and it will be necessary to demonstrate that the reasons for refusal are justifiable. Requests should be treated in the same way as requests for permission to marry in the prison, with the same considerations and factors taken into account (including those set out at part 4). The Marriage and Civil Partnership (Minimum Age) Act 2022 applies to such ceremonies.
- 10.2 *It must be drawn to the prisoner's attention that they will still require the completion of the necessary civil preliminaries for the marriage to be legally registered and recognised according to law in England and Wales.*

**11. Records**

- 11.1 A local record should be kept of marriages and civil partnership registrations, including the prisoner's race, ethnic identity and the reason for the decision to hold the ceremony /registration inside the prison or outside.

Regulation 6(2)

Form 8

Marriage Act s 27A (3)

**STATEMENT BY RESPONSIBLE AUTHORITY**

PROPOSED MARRIAGE OF

\_\_\_\_\_ AND \_\_\_\_\_ (name and surname) (name and surname)

I, \_\_\_\_\_

being the responsible authority for the place of detention known as

\_\_\_\_\_  
(Address)

At which \_\_\_\_\_  
(name and surname of person)

is being detained, state that I have no objection to that establishment being specified in the notice of marriage as the place where the marriage of the above named persons is to be solemnized.

Date \_\_\_\_\_ Signed \_\_\_\_\_

Designation \_\_\_\_\_

**NOTES**

1. Responsible authority means:

- (a) if the person is detained in a hospital (within the meaning of Part II of the Mental Health Act 1983), the managers of that hospital (within the meaning of Section 145 (1) of that Act); or
- (b) if the person is detained in a prison or other place to which the Prison Act 1952 (c.52) applies, the Governor or other officer for the time being in charge of that prison or other place.

2. *Notice of marriage must be given within 21 days of the signing of this statement.*

Regulation 4

Form 7

Civil Partnership Act 2004, s.19(5)

**STATEMENT BY RESPONSIBLE AUTHORITY**

(Form prescribed by the Civil Partnership Regulations 2005)

**PROPOSED CIVIL PARTNERSHIP OF**

\_\_\_\_\_ AND \_\_\_\_\_  
 (name and surname) (name and surname)

I, \_\_\_\_\_

being the responsible authority for the place of detention known as

\_\_\_\_\_  
(Address)at which \_\_\_\_\_  
(name and surname of person)

is being detained state that I have no objection to that establishment being specified in the notice of civil partnership as the place where the civil partnership of the above named persons is to be formed.

Date \_\_\_\_\_ Signed \_\_\_\_\_

Designation \_\_\_\_\_

**Notes**

1. Responsible authority means
  - (a) if the person is detained in a hospital (but otherwise than by virtue of section 2,4,5,35,36 or 136 of the Mental Health Act 1983 c.20 (short term detentions)), the managers of that hospital; or
  - (b) if the person is detained in a prison or other place to which the Prison Act 1952 (c.52) applies, the governor or other officer for the time being in charge of that prison or other place.
2. Notice of civil partnership must be given within 21 days of the signing of this statement.