Ministry of Justice

HM Prison & Probation Service

Policy name: Prisoner Marriage and Civil Partnership Registration Policy Framework

Issue Date: 12 November 2026 **Implementation Date**: 12 November 2026

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PSI 14/2016 Marriage of Prisoners and Civil Partnership Registration

Introduces amendments to the following documents: N/A

Action required by:

	HMPPS HQ	x	Governors
x	Public Sector Prisons		Heads of Group
x	Contracted Prisons		The Probation Service
x	Youth Custody Estate		Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: Governors[1] must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

How will this Policy Framework be audited or monitored: Governors are expected to ensure compliance with this Policy Framework

Resource Impact: This Policy Framework presents no additional resource implications.

Contact: PrisonFrameworks@justice.gov.uk

Deputy/Group Director sign-off: Yaser El-Borgi, Deputy Director, Prison Operational Policy and Delivery Group, July 2026

Approved by OPS for publication: Helen Judge, Chair, Operational Policy Sub-board, July 2026

[1] In this document the term Governor also applies to Directors of Contracted Prisons.

CONTENTS

Section	Title	Page
1	**Purpose**	3
2	**Outcomes**	3
3	**Requirements**	3 - 7
	Annex A – Legislation on Prisoner Marriage / Civil Partnership	8

1. Purpose

1.1 This Framework sets out the legal and operational considerations when a prisoner requests to marry or register a civil partnership. It applies to all adult prisoners, including where 18 year olds are placed in youth secure settings (Young Offender Institutions, Secure Children's Homes and Secure Training Centres).

2. Outcomes

- Requests from prisoners to marry or register a civil partnership are handled appropriately and in line with legislation and other relevant requirements – including prisoners meeting all associated costs.
- Prisoners serving whole life orders cannot marry or register a civil partnership, unless in exceptional circumstances and with the approval of the Secretary of State (see paragraph 3.3).
- Outside ceremonies only take place under escort in very exceptional circumstances (see paragraphs 3.22 - 3.25).

3. Requirements

Making an application

3.1 Where a prisoner wishes to marry or register a civil partnership, they will need to inform staff of this via the applications process.

3.2 The prisoner must be informed from the outset that they are responsible for compliance with all registration requirements. Prisoners must also be informed that they will need to meet all costs which arise from their wish to marry or register a civil partnership.

Eligibility

3.3 Once an application has been received, staff must establish if it is eligible to proceed. To be considered eligible will mean that:

- the prisoner is expected to remain in custody for **three months or longer** after the application has been made. For convicted prisoners, consideration must be given to whether or not they will have an opportunity to marry or register a civil partnership while on temporary release during that period (see para 3.23). If they will, an application to marry or register a civil partnership in prison does not need to proceed.

- where the prisoner is expected to be released **within three months** of their application, permission should only be given where there are exceptional reasons, including exceptional compassionate reasons (e.g. where the prisoner and their partner's child is expected to be born within the next three months or where either partner is terminally ill).

- the prisoner is not subject to a **whole life order**. Prisoners who are subject to a whole life order are not permitted to marry or register a civil partnership without the approval of the Secretary of State. Such approval will only be given where the Secretary of State is satisfied that there are exceptional circumstances to justify this. Should a prisoner serving a whole life order wish to marry or register a civil partnership, and considers there are exceptional circumstances why the Secretary of State should allow this, the Governor must contact HMPPS HQ (PrisonFrameworks@justice.gov.uk).

3.4 It will be for the Superintendent Registrar or registration authority to consider the same general eligibility factors which apply to anybody in the community wishing to marry or register a civil partnership (e.g. that the prisoner and partner are not closely related). The Governor should share with the Superintendent Registrar or registration authority any information which they think might be relevant.

3.5 Where a ceremony or registration does not proceed for any reason, this could be a cause of distress to the prisoner. Consideration must therefore be given to any appropriate support needed. See the Prison Safety Policy Framework.

Notification of a marriage or civil partnership application

3.6 Once eligibility has been confirmed, as above, it will be necessary to notify particular teams as appropriate:

- **All applications**: the Policy Frameworks Team in Prison Operational Policy and Delivery Group (PrisonFrameworks@justice.gov.uk) must be notified.

- **Category A, provisional Category A, Restricted Status or Escape list prisoners (with the following considerations applied to women, as appropriate to their status)**: the Category A Team in Long Term and High Security Prisons Group must be notified. As the application progresses, the Category A Team must be provided with details of the guests and proposed arrangements. The Category A Team will then consult Police Advisers and advise the Governor on security precautions. It will be for the Governor to approve the risk assessments.

- **Unconvicted prisoners and prisoners facing further charges**: applications from such prisoners must be referred immediately to the local office of the Crown Prosecution Service (CPS). If the CPS has any concerns, it will need to make these directly to the Superintendent Registrar or registration authority.

Where there are concerns about the marriage or civil partnership

3.7 Apart from prisoners serving a whole life order, a Governor can only refuse to allow a marriage or civil partnership ceremony to proceed where security concerns around the ceremony itself raise a significant risk of crime or disorder, or logistical reasons mean it could not take place. This is expected to be very rare indeed as Governors are legally obliged to make all reasonable efforts to facilitate a request. In making every effort, Governors can stipulate conditions restricting the number of guests and refuse to admit particular guests (see paras 3.16 and 3.17). In addition, Governors can determine where inside the establishment the ceremony/registration will take place and whether there is a need for a police presence outside. In any cases where a Governor considers that a ceremony/registration cannot go ahead because of security or logistical reasons, this must be discussed with HMPPS HQ (PrisonFrameworks@justice.gov.uk).

3.8 Beyond issues about the ceremony itself, an application might cause concerns in terms of the prisoner's motivation, or about the possible impact on their partner or children. While a Governor cannot refuse to allow a ceremony or registration in these circumstances, the following points must be considered:

- **The prisoner could present a risk to their intended spouse or their children:** the Governor should consult with the Offender Management Unit (OMU) and, if there are concerns about potential risk to the spouse or their children, the responsible offender manager should consider what action may be required in line with the Prison Public Protection Policy Framework, HMPPS Child Safeguarding Policy Framework and the HMPPS Domestic Abuse Policy Framework. These

policies contain more information about disclosing risk information to members of the public when a child or adult may be at risk which offender managers need to consider when they discover a new relationship. There is also further information in the HMPPS Disclosure guidance on EQuiP.

- **Duress**: If the Governor has concerns that the prisoner or their intended partner might be entering into a marriage or civil partnership under duress, this must be raised with the Superintendent Registrar or registration authority. Forcing someone to marry against their will is a criminal offence (see Annex A).

- **Under 18**: If the Governor has concerns that either party might be aged under 18, this must be raised with the Superintendent Registrar or registration authority. It is an offence to do anything intended to cause a child to marry before they turn 18 (see Annex A).

- **Immigration status**: Under immigration legislation, the Superintendent Registrar or registration authority must 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 this applies, and a Governor also has concerns that the marriage might be a sham, they should inform the Home Office sham marriage team (IEShamMarriageGovernanceTeam@homeoffice.gov.uk) and the Superintendent Registrar or registration authority.

- **Future licence conditions**: Concerns have been raised previously that allowing a marriage or civil partnership may undermine the ability to impose stringent licence conditions on release. This is particularly in the case of people convicted of sexual offences. However, licence conditions which restrict contact between married couples due to risk can be imposed (and have been in the past). These issues would be for consideration at the time of the prisoner's release.

<u>Giving notice of intention to marry/register a civil partnership</u>

3.9 In line with legislation, the Governor must complete a Statement by Responsible Authority to confirm they are content for the prison to be the venue for the marriage or civil partnership. These forms are issued by the Superintendent Registrar or registration authority to the prisoner or their partner on request, completed by the Governor and returned to the prisoner for submitting to the Superintendent Registrar or registration authority. In completing the form, the Governor must give the official name of the prison and the postal address. The prisoner must be advised that they can ask the Superintendent Registrar or registration authority not to include the name of the prison on the marriage or civil partnership notice.

3.10 Anybody wishing to marry or register a civil partnership must give notice of their intention to do so. It is for the prisoner and their partner to obtain information on costs for doing this and for ensuring that they meet the necessary registration requirements.

3.11 The Governor must facilitate the Superintendent Registrar or registration authority visiting the prison to take the notice. The Superintendent Registrar or registration authority will advise if the prisoner's partner needs to give notice at the same time.

3.12 Prisoners must give notice within 21 days of the Governor signing the Statement by Responsible Authority. Marriages or civil partnerships which take place in prison must

occur within three months of notice being given. Where the prisoner and their partner give notice on different dates, the three months start from the date the first one gave notice.

The ceremony or registration

3.13 The Governor will decide, in consultation with any faith or belief chaplain where appropriate, on the most appropriate location within the prison to hold a ceremony. For faith or belief ceremonies, this will normally be the chapel or room used for services of the religion concerned. For civil marriages or civil partnerships, the Governor should check the suitability of the most appropriate location with the Superintendent Registrar or registration authority. Reasonable adjustments must be implemented to accommodate disabilities or underlying medical conditions.

3.14 For information on faith and belief marriage ceremonies, see the faith and belief annexes in PSI 05/2016 Faith and Pastoral Care for Prisoners. Further advice can be sought from the Chaplaincy Team or relevant Faith and Belief Adviser, including about any pre-ceremony preparations related to that tradition. Where a faith or belief chaplain declines to conduct a marriage ceremony, this must be respected. Chaplaincy must, however, be available for general pastoral support in all cases.

3.15 Necessary security and other checks must be made where a prisoner requests that a representative of their faith or belief from outside the prison performs the service.

Guests

3.16 It is for the Governor to determine the exact small number of guests to be permitted, taking into consideration security implications and the availability of staff to escort the guests. In doing so, consideration must be given to the likely importance to the prisoner or having close family and close friends present. The prisoner must be informed of the number which will be permitted.

3.17 The prisoner must give full details of any guests well in advance to allow for security clearances. The Governor may refuse admission to any guest and must do so in writing (see PSI 16/2011 Providing Visits and Services to Visitors).

Photographs

3.18 Where a prisoner requests photographs to be taken of the ceremony or registration, this should be facilitated by the prison, taking into account security considerations.

3.19 Particularly where a marriage or civil partnership is likely to attract attention, a Governor may wish to require that any photographs are kept within the prisoner's stored property until they are released.

Victims

3.20 Eligible victims engaged with the Victim Contact Scheme would not ordinarily be informed throughout the process of a prisoner applying to marry or register a civil partnership, or once this has taken place. However, there may be exceptional circumstances where contact with the victim should be considered, such as increased media attention which could cause harm. In such scenarios, the prison should liaise with the Victim Liaison Officer, who should in turn consult with the HMPPS Victims Team to establish the most appropriate action to take.

Marriage between serving prisoners

3.21 Where prisoners from two different prisons wish to marry or register a civil partnership together, arrangements must be made for them to be located at the same establishment only for the purposes of giving notice, where necessary, and for the ceremony or registration itself. In determining where this will happen, consideration must be given to any risks to security, safety and order. Where two prisoners located at the same prison wish to marry or register a civil partnership, the same considerations apply in terms of security, safety and order for the giving of notice and for the ceremony or registration itself.

Requests to marry or register a civil partnership outside the prison

3.22 Prisoners must not generally be permitted to marry or register a civil partnership at a location outside the prison if this would be under prison escort. This must only be allowed in very exceptional circumstances, such as if they or their partner are in hospital and unlikely to survive. In the very exceptional circumstances where this is permitted, escort arrangements must be in line with the External Escorts Policy Framework. The relevant Area Executive Director must be notified.

3.23 This means that outside ceremonies are generally only available for prisoners in open conditions or other prisoners on resettlement day release or resettlement overnight release that meet the criteria for Release on Temporary Licence (ROTL). Temporary Release may be granted under a Special Purpose Licence for the purpose of marriage or civil partnership. See eligibility requirements in Release on Temporary Licence Policy Framework.

3.24 The Governor is not required to complete the Statement by Responsible Authority (see para 3.9) where a marriage or civil partnership takes place outside the prison (e.g. while the prisoner is released on temporary licence).

3.25 Any costs arising from marrying outside the prison, such as escort costs, must be met by the prisoner.

Requests for purely faith or belief ceremonies, without subsequent civil registration

3.26 It is for the Governor to decide whether to allow a purely faith or belief ceremony to take place. Where a Governor does not allow this, it will be necessary to demonstrate that any refusal is justifiable. Requests should be treated in the same way as requests to marry in the prison, with the same considerations and factors taken into account, with the exception of prisoners subject to whole life orders, who shall be treated like any other prisoner for the purposes of having a purely faith or belief ceremony.

3.27 The prisoner must be informed that the ceremony will not be recognised as a legal marriage according to law in England and Wales.

Annex A

PRISONER MARRIAGE / CIVIL PARTNERSHIP – RELEVANT LEGISLATION

1. There are five 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:

- **Marriage Act 1983:** this Act 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.

- **Civil Partnership Act 2004:** this Act 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.

- **Marriage (Same Sex Couples) Act 2013**: this Act 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.

- **Marriage and Civil Partnership (Minimum Age) Act 2022**: this Act 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.

- **Victims and Prisoners Act 2024**: the prisoner marriage and civil partnership provisions in the Victims and Prisoners Act 2024 came into effect on 2 August 2024. The Act means that a prisoner subject to a whole life order can only marry or register a civil partnership if agreed by the Secretary of State. The Secretary of State will only give permission if satisfied that there are exceptional circumstances to justify this.