

Law commission proposal on marriage law.

A short review of the consultation as it might affect Quakers.

Introduction

The Law Commission are consulting on a change to marriage law in England and Wales, the first thorough review since 1836. Their proposals can be seen and downloaded from this webpage: <https://www.lawcom.gov.uk/project/weddings/> .

Since 1837 all marriages in England and Wales have had to be recorded and registered with the General Register Office, GRO. For Quakers the effect was that we appointed registering officers who completed the civil paperwork as well as taking responsibility for much of the Quaker process for couples wishing to marry.

Currently our Quaker marriage regulations are recognised in Section 47(4) Marriage Act 1949 as follows:

A copy of any general rule of the Society of Friends purporting to be signed by the recording clerk for the time being of the said Society in London shall be admitted as evidence of the general rule in all proceedings touching the validity of any marriage solemnized according to the usages of the said Society.

Our current “general rules” are to be found in Quaker faith & practice, chapter 16 (<https://qfp.quaker.org.uk/chapter/16/>), and these are explained more fully in our Handbook for registering officers (https://www.quaker.org.uk/documents/reg-off-handbook_sept-2018_final)

The proposals would remove specific provision for Quaker marriages, but still enable us to conduct marriages in the manner of Friends.

Introduction to the Law Commission proposals

The Law Commission’s two-page “at a glance summary” has a table of their proposals. I repeat it below, with an extra column on how it might affect Quaker marriages

Current law	Our proposed scheme	Quaker
Civil preliminaries		
A person must give notice of their intended wedding in person in the registration district where they have resided for the past seven days.	Individuals will be able to give notice of their intended wedding remotely, and choose the registration district where they attend to complete the preliminaries.	This should be fine. It may be easier as the GRO computer system should recognise Quaker weddings, rather than expecting registration service staff to know that they are a possibility. We would no longer have to issue a “form D” for non members wanting a

		Quaker marriage. This simplifies our practice.
Notice of the intended marriage is posted at the local register office.	Upcoming weddings will be published online, accessible to the wider community.	Should have no effect
Types of wedding		
Couples must choose between a civil or a religious ceremony. There is no option to have a wedding according to beliefs that are nonreligious.	Our scheme would enable weddings conducted by non-religious belief organisations (such as Humanists) and/or independent celebrants, if Government decided to permit them.	Should have no effect.
Location		
With few exceptions, all couples must have their wedding either in a place of worship or a licensed secular venue. Couples generally cannot marry outdoors, even in the garden of a licensed venue.	All weddings will be legally permitted to take place in a location chosen by the couple. Couples will be able to marry outdoors and in their own homes.	This may mean that Quakers could choose to hold weddings outdoors. It might involve registering officers and area meetings have to think about what would make a venue suitable or unsuitable for a Quaker wedding.
Ceremonies		
Civil weddings and some types of religious wedding are required to include prescribed words.	There will be no prescribed words, giving couples greater freedom as to the form their wedding takes, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.	We determine our own wording anyway (currently this is a Yearly Meeting decision)
Couples cannot include elements in a civil wedding that reflect religious beliefs.	So long as it is still identifiable as a civil ceremony, couples will be able to have religious songs, readings and hymns as part of their civil weddings.	Some couples, where the Quaker declarations do not suit one or both, may be able to have Quaker elements in their civil wedding.
Validity		
If a couple fails to comply with the legal requirements, either intentionally or without realising, the law might	Fewer ceremonies will result in a wedding that the law does not recognise at all.	This should have no effect.

not recognise them as being legally married.		
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Summary and effect of the proposals

The proposals in the “at a glance” document look fine, the full consultation document, which is over 450 pages long, can be found here: <https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Getting-Married-A-Consultation-Paper-on-Wedding-Law-web.pdf>. As well as proposals for changing the law, it contains some history of Quaker marriage. I have prepared a document reviewing the full consultation, I can provide it on request.

Looking at the longer document, it should be noted that under the proposals, our registering officers would become known as officiants, but that does not mean we would have to change the name within Friends.

Should the Law Commission proposals become law, then marriages will be able to take place out of doors in England and Wales, this could result in the Yearly Meeting being asked to consider changing our marriage regulations to permit outdoor marriages in England and Wales, as we already do in Scotland.

There are a few aspects of the proposals on which Friends might wish to comment:

- 1 We are a faith organisation that was persecuted in our early days; and our Quaker community has a long tradition of supporting members who feel impelled by our faith to break the law (as reflected in section 35 of our advices and queries), so the proposals surrounding the definition of religious organisations might sit uneasily with our historic experience. (Sections 3.44 and 5.102)
- 2 Will we be charged for changing registering officers? (Sections 3.39 to 3.42 and 12.3)
- 3 It may become impossible for a civil partnership to be converted into a marriage in a religious setting. (Section 6.113 proposes removing section 46 of the current marriage law, this is the section we used to hold civil partnership conversions at Quaker Meeting Houses)

My advice is that at a Yearly Meeting level we should respond to the consultation answering the questions as appropriate. This may largely be responding in a neutral fashion, except for the three points made above.

Individual Quakers may wish to respond themselves.

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