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|---|---|--|---------------------|
| Title: Marriage (Same Sex Couples) Bill Lead department or agency: Government Equalities Office Other departments or agencies: | Impact Assessment (IA) | | |
| | Date: 17/01/2013 | | |
| | Stage: Final Proposal | | |
| | Source of intervention: Domestic | | |
| | Type of measure: Primary legislation | | |
| Contact for enquiries: enquiries@culture.gov.uk | | | |
| Summary: Intervention and Options | | | RPC Opinion: |

| Cost of Preferred (or more likely) Option | | | |
|---|----------------------------|--|---|
| Total Net Present Value | Business Net Present Value | Net cost to business per year (EANCB on 2009 prices) | In scope of One-In, Measure qualifies as One-Out? |
| -£3.9 | Zero | Zero | Yes |
| | | | Zero Net Cost |

What is the problem under consideration? Why is government intervention necessary?
 Marriages may not, by law, be formed between two people of the same sex. Same-sex couples have the option of entering into a civil partnership. Government intervention is needed because the impediment to a same-sex couple entering (or converting a civil partnership) into a marriage is a legal one.

What are the policy objectives and the intended effects?
 The main policy objective is to allow access to marriage for same-sex couples. Other objectives are to maintain the ability for same-sex couples to form a civil partnership on religious premises, to ensure no religious organisation is forced to conduct ceremonies for same-sex couples. The consultation proposed that religious marriage ceremonies should not be available to same-sex couples. Some consultation responses argued against this restriction, and the Government has decided to allow religious organisations to conduct marriages between same-sex couples where the organisation wishes to do so.

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

- Do nothing.
- Allow civil marriage for same-sex couples and keep existing provisions for civil partnerships (for same-sex couples only).
- Allow civil marriage for same-sex couples and remove provisions for new civil partnerships.

After taking into account all the evidence, including the views expressed in the consultation responses an additional option was considered:

- Allow civil marriage for same-sex couples and also allow religious marriage (on a permissive basis) to same-sex couples, and retain the existing provisions for civil partnerships (for same-sex couples only).

This option will provide greater equality for same-sex couples as same-sex couples will be able to get married at a religious or non-religious premises. It will not deter churches that wish to conduct marriage for same-sex couples from doing so, and churches that do not want to perform same-sex marriages will not be forced to do so. There will be protections for religious bodies who do not want to perform same-sex marriages, not just from successful legal claims, but from the threat of litigation.

Under options 2, 3 and 4, those in an existing civil partnership will have the option to 'convert' their civil partnership into a marriage, or to keep their existing civil partnership. Following the consultation the Government has decided to proceed with Option 4, which is a variation on Option 2, but with one change – permissive religious marriage – which is factored into the calculations. It is not possible to fulfil any policy objectives without amendments to legislation.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 5 years

| | | | | | |
|--|---------------------|-----------------------|------------------------|----------------------|----------------------------|
| Does implementation go beyond minimum EU requirements? | | | N/A | | |
| Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base. | Micro Yes | < 20 Yes | Small Yes | Medium Yes | Large Yes |
| What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent) | | | Traded: zero | | Non-traded: zero |

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:



Helen Grant
 Parliamentary Under-Secretary of State for
 Justice and Minister for Women and
 Equalities

Date: 17 January 2013

Summary: Analysis & Evidence Policy Option 4

Description:

FULL ECONOMIC ASSESSMENT

| | | | | | |
|-------------------------|----------------------|-------------------------|---------------------------------------|------------|---------------------|
| Price Base Year 2011 | PV Base Year 2011 | Time Period Years 10 | Net Benefit (Present Value (PV)) (£m) | | |
| | | | Low: -4.5 | High: 12.4 | Best Estimate: -3.9 |

| COSTS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|--------------------------------------|-------|---|-------------------------------|
| Low | -3.3 | 10 | zero | -3.3 |
| High | -4.7 | | zero | -4.7 |
| Best Estimate | -4.0 | | zero | -4.0 |

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

We have not identified any costs to business –there may be some costs for religious bodies relating to premises being registered to perform marriages for same-sex couples. The costs of this proposal fall primarily on public bodies that need to adjust IT systems or administrative processes to register same-sex couples as married. These include to varying degrees the General Register Office, Department for Work and Pensions, Office for National Statistics, Her Majesty's Revenue and Customs, Ministry of Justice, Her Majesty's Courts and Tribunal Service and the Gender Recognition Panel. There are also some familiarisation costs for local authorities who employ registrars to conduct civil marriage ceremonies.

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

We have not identified any such costs for business. There may be some indirect costs for some religious organisations, but only those who wished to marry same-sex couples. These would be familiarisation and training costs, but we consider this to be negligible.

| BENEFITS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|--------------------------------------|-------|---|----------------------------------|
| Low | 0.1 | 10 | 0 | 0.1 |
| High | 15.7 | | 0 | 15.7 |
| Best Estimate | 0.1 | | 0 | 0.1 |

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

An economic benefit could result from the policy if it results in a greater number of same-sex marriages and civil partnerships after the change, compared to the number of civil partnerships under the current system. A short term increase in demand could result in an economic benefit of £14.4 million (from additional spending on ceremonies), and new ceremonies from those choosing to convert their civil partnership to a marriage is estimated at £3.0 million. However, because of the uncertainty involved in predicting demand and because this spending may not be entirely additional, our best estimate assumes no change in demand, and we include these benefits as a "high" estimate.

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

There will be benefits to same-sex couples, who want to convert existing civil partnerships into marriages or form marriages in the future, because some couples place greater social and emotional value on a marriage compared to a civil partnership. There will be a benefit to transsexual individuals in a marriage and their spouses who want to change their legal gender, who could do so without the need to end their marriage. There is some evidence that marriage for same-sex couples could improve health of LGB&T persons.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

Our best estimate assumes no increase in the total demand for marriages between same-sex couples and civil partnerships after the change, over and above the existing demand for civil partnerships.. If there were to be an increase in demand for marriage, there would be no additional costs, but potentially economic benefits (included as our "high" estimate). There is likely to be an increase in the number of applications to the Gender Recognition Panel as a result of the change, from people who transitioned some years ago but did not apply for legal recognition as they wanted to remain in their marriage, but it is difficult to predict with precision.

BUSINESS ASSESSMENT (of chosen option)

| | | | | |
|---|----------------|-----------|-------------------|----------------------|
| Direct impact on business (Equivalent Annual) £m: | | | In scope of OIOO? | Measure qualifies as |
| Costs: Zero | Benefits: Zero | Net: Zero | Yes | Zero Net Cost |

Evidence Base (for summary sheets)

A. Strategic Overview

A.1 Problem under Consideration

The introduction of civil partnerships was a significant step forward for our society, as for the first time same-sex couples could make a public and legally recognised commitment to one another. These unions are often referred to as a marriage, but they are not exactly the same. Under current law in England and Wales, the Marriage Act 1949 only allows a marriage to be formed between a man and a woman. The Government is committed to freedom and fairness and has decided to allow same-sex couples to form a marriage and therefore allow access to marriage regardless of gender/sexual orientation.

The Government sees the love between two people of the same-sex as equal to that of opposite sex couples and therefore they should be able to get married. The intervention is necessarily a legislative one, as the barrier to same-sex couples forming a marriage is in primary legislation. The consultation-stage impact assessment considered two options, both restricted to allowing same-sex marriage for civil marriages only.

The public consultation in 2012 proposed that religious marriage ceremonies would not be available to same-sex couples and that religious organisations would not be forced to conduct marriage ceremonies for same-sex couples. The Government remains clear about its commitment to the central principle that no religious organisation should be forced to conduct such ceremonies. While opinion was divided, a large number of respondents to the consultation, as well as other stakeholders including religious organisations as part of wider discussions, wanted same-sex couples to have the option of a religious marriage ceremony, and some respondents were concerned that if it was not allowed then there would be tremendous pressure placed on religious organisations to do so. Responses included those from faith organisations both for and against. Some respondents including major religious groups suggested that it would be an unjustified restriction on religious freedom to make civil marriage available to same-sex couples, but not to allow those religious groups that wished to celebrate such marriages to do so.

After taking into account all of the evidence, including the views expressed in the consultation responses, the Government has decided that there is strength in the argument that once marriage is made available to same-sex couples, religious organisations who do want to marry same-sex couples should be able to do so.

Therefore, the Government has decided that the best approach is to allow those religious organisations that want to, to opt in to a statutory process for conducting religious marriage ceremonies for same-sex couples. We have therefore altered our preferred option to take this into account (this is covered as Option 4 below). Unless a faith organisation expressly opts in, it will remain unlawful for an individual church or place of worship to conduct same-sex marriages. Those religious organisations that do not wish to opt in will be provided with robust protections to ensure they cannot be successfully sued for their refusal.

By widening the original proposal to include religious marriage (on a permissive basis) to same-sex couples this offers more choice and equality to same-sex couples. Which also allows the Government to put into place appropriate protections to prevent an extra cost (by avoiding potentially vexatious court cases) for those religious groups who do not want to marry same-sex couples, and supports religious organisations who do want to marry same-sex couples.

A.2 Background

The Civil Partnership Act 2004 allows same-sex couples to have their relationship legally recognised, gaining rights, responsibilities and protection that are equivalent to those afforded by a marriage. However, this is a separate legal framework to that of marriage. Currently, only opposite-sex couples can enter into a marriage and only same-sex couples can enter into a civil partnership.

In March 2010 the then Government announced that it would be looking at the next steps for civil partnerships. As part of a listening exercise on section 202 of the Equality Act 2010 (to allow civil partnerships to take place in religious premises), it became clear from stakeholders, including some religious organisations and lesbian, gay, bisexual and transgender (LGB&T) organisations, that there was a desire to move forward towards marriage for same-sex couples.

On 17 September 2011 the current Government announced that it would be launching a consultation on marriage for same-sex couples in March 2012. Prior to this date, to allow it to shape the consultation document, Ministers and officials met LGB&T stakeholders, and faith and non-faith / secularist groups.

The public consultation set out the Government's proposals to enable same-sex couples to have a civil marriage. It ran for 13 weeks and closed on 14 June 2012 and there were over 228,000 replies and a number of large petitions.

The recent consultation asked respondents whether couples regardless of gender should be able to have a civil marriage: 53% of respondents who responded to the question were in favour of this. Amongst the wider population, a recent poll¹ found that 61% of respondents agreed that same-sex couples should have an equal right to get married, not just to have civil partnerships (33% disagreed).

A.3 Groups Affected

The policy will affect anyone wishing to enter into a marriage with someone of the same sex, or anyone in a marriage, and seeking to legally change their gender while remaining in that marriage. The changes apply to England and Wales. The Scottish Government have conducted their own consultation to allow same-sex couples to get married and the Northern Ireland Executive have indicated they will not be changing their legislation in this area.

Estimates of the number of lesbian, gay and bisexual (LGB) individuals in England and Wales are available from a number of different sources but are widely contested (ONS 2010). The Citizenship Survey 2009/10 estimated that approximately 2.3% of the population are LGB (the question also had a 2.7% non-response rate); the Integrated Household Survey 2011/12 estimated a slightly lower proportion, at 1.5% of the population (with a 3.6% non-response rate).

Same-sex couples have, since December 2005, been able to enter into a civil partnership. 1,857 civil partnerships were formed in England and Wales in the 11 days available in December 2005, 14,943 were formed in 2006 and 7,929 were formed in 2007. Since 2007, the number of civil partnerships seems to have reached a steady rate of approximately 6,000 civil partnerships per year (ONS 2012). In total, between 2005 and 2011 there were just under 49,000 civil partnership ceremonies.

The policy will also affect individuals who wish to change their legal gender (by obtaining a Gender Recognition Certificate) and who are in a marriage, because they will be able to do so without having to end their marriage. Those in a civil partnership will be able to convert their partnership into a marriage without this being the legal end of the union.

Foreign citizens who enter into same-sex unions abroad are affected in terms of how their relationship is treated within the UK. The UK currently treats all same-sex relationships entered into abroad as civil partnerships, provided they meet certain criteria; in future, those same-sex unions that meet the criteria of a marriage will be recognised as such.

There may be some impact on premises which hold civil marriages, which may be businesses of any size (as premises are licensed by individual local authorities. We do not have comprehensive information on the number or size of marriage premises in England and Wales. This also includes religious premises that wish to undertake religious marriage (on a permissive basis) to same-sex couples.

A.4 Consultation

Within Government

¹ Poll undertaken by Populus / The Times

Meetings and ongoing discussions have been held across Government. The main departments with which meetings were held were: Ministry of Justice, Department for Work and Pensions, HM Revenue and Customs, Foreign and Commonwealth Office, Home Office, Department for Communities and Local Government and Ministry of Defence, though others were also engaged.

Public Consultation

Ministers and officials have met a range of LGB stakeholders, faith and non-faith groups and transgender groups and individuals.

A public consultation was launched in March 2012 and ran for 13 weeks, closing on 14 June 2012. GEO policy officials also attended a number of events; to seek views and provide a deeper understanding of how the changes will work in practice. Over 228,000 responses were received. There were also 20 petitions in favour and against the proposals, with 1.1million signatures. The largest petition was from the Coalition for Marriage who opposed the proposals. The responses are summarised in the main Government response and we make reference to relevant responses in our evidence base.

B. Rationale

We have identified the problem that same-sex couples are unable to get married. Government intervention is needed to allow this. The remedy must be legislative because the State regulates the legal status of marriage and the impediment to a couple of the same sex entering (or converting a civil partnership) into a marriage is a legal one. The Government has decided to act now, because it believes that change is overdue.

C. Objectives

The policy objectives were:

- 1) To allow equal access to civil marriage for couples regardless of gender. This will address the disparity that there are two separate legal regimes for same-sex and opposite sex couples and remove the inequality that currently exists.
- 2) To continue to allow civil partnerships to take place on religious premises.
- 3) To ensure that there is no impact on the freedom of individuals to practise their religious beliefs and on faith groups' ability to provide for opposite sex religious marriage. There will be no requirement for any religious body to marry same-sex couples if they do not wish to, nor will there be any requirement for a religious organisation to permit the marriage of same-sex couples on their religious premises, if they do not wish to allow this.
- 4) To allow married or civil partnered transsexual individuals to change their legal gender (by obtaining a full Gender Recognition Certificate (GRC) without having to end the marriage.

The Government also plans to allow marriage on religious premises for same-sex couples where the religious organisation allows this. However, to meet objective 3 above, no religious body will be required to marry or permit the marriage of same-sex couples on its premises if it does not wish to, and ensure that protections are in place for religious bodies who do not want to perform same-sex marriages, not just from successful legal claims, but from the threat of litigation.

D. Options

Prior to the consultation we were considering the following three options:-

1. Do nothing.
2. Open up civil marriage to same-sex couples and retain civil partnerships (for same-sex couples only). This was the Government's preferred option at the time of consultation.

3. Open up civil marriage to same-sex couples, end the formation of all new civil partnerships and allow those who have already entered into a civil partnership to convert their relationship into a marriage (or retain the existing civil partnership). This is not the Government's preferred option.

In the light of issues raised in the consultation, we have considered an additional option:-

4. Open up civil marriage to same-sex couples and retain civil partnerships (for same-sex couples only), and also allow religious organisations to marry same-sex couples if the religious organisations so wish. However, no religious organisation would be forced to marry a same-sex couple.

The Government has decided to proceed with option 4, which is a variation option 2, but with one change – permissive religious marriage – which is factored into the calculations.

E. Appraisal (Costs and Benefits)

GENERAL ASSUMPTIONS & DATA

Our best estimate assumes that there would be no additional increase in the demand for same-sex unions (i.e. same-sex marriages and civil partnerships combined compared to the number of civil partnerships per year under the current system). However, Annex 3 considers international comparisons which suggest that a short-term increase in the number of marriages is likely. We therefore consider the impact of an increase in demand under Economic Benefits below.

We present costs and benefits in current prices (2012/13) throughout the document.

Summary of monetised transitional costs to public sector applying under Options 2, 3 and 4

| Organisation | Description | Cost |
|---|--|---------------------|
| Department for Work and Pensions | Reform IT systems and update guidance | £80,000 |
| Gender Recognition Panel (1) | Additional operating costs associated with anticipated extra demand for Gender Recognition Certificates estimated over a 5 year period | £200,000 - £700,000 |
| General Register Office (Home Office) | Reform Register Online (RON) IT system | £2 million |
| HM Courts and Tribunal Service (2) | Operational changes required for GRP database | £100,000 - £300,000 |
| HM Revenue and Customs for Department for Work and Pensions (3) | IT and project costs for contracted out pensions | £400,000 |
| HM Revenue and Customs | Reform IT systems | £100,000 - £250,000 |
| | Update guidance | £100,000 - £200,000 |
| Local Authorities | Familiarisation costs for registrars | £190,000 – £670,000 |
| Ministry of Justice | Reform court IT system | £135,000 – £165,000 |
| | Amend court forms and leaflets | £38,000 |
| Office for National Statistics | Reform IT systems for recording marriage data | £150,000 - £200,000 |

Source: Figures provided by officials in relevant departments.

(1) The GRP is part of HM Courts & Tribunals.

(2) This only covers costs of the changes to the Panel's IT costs.

(3) These costs will be incurred by HMRC rather than DWP. DWP owns the policy on contracted out pensions, but delivery of the policy (ie. the IT that supports it) is owned by HMRC.

(4) The Ministry of Defence and the UK Border Agency have not identified any detailed costs, but any impact is expected to be negligible.

(5) All the costs in the table are transitional one off costs – the costs will occur in one year with the exception of the Gender Recognition Panel, which is an estimated 5 year total cost due to a likely increase in demand for Gender Recognition Certificates.

OPTION 2 – Introduce marriage for same-sex couples, keep civil partnerships (for same-sex couples only)

COSTS

Fiscal costs

Changing legislation to allow same-sex couples to enter into a marriage will create some costs for certain government departments and agencies and for local government, because changes will need to be made to some IT systems and processes. These are summarised by department:

Department for Work and Pensions

DWP estimates costs of £80,000 for changes to guidance associated with pension scheme entitlements once same-sex couples are able to get married. The intention is to treat same-sex couples in the same way as civil partners, for purposes of State and occupational pensions.

IT and project costs of £400,000 for changes relating to contracted-out pensions has been based on the costs incurred in 2005 for changes related to the introduction of civil partnerships, as the proposal for same-sex marriage would mean a similar IT change.

Home Office

The General Register Office (GRO) in England and Wales is responsible for overseeing civil registration, which includes the registration of marriages, civil partnerships, births and deaths. The GRO will need to change its Registration Online (RON) IT system to cater for marriage between same-sex couples. Our initial estimate is a one-off cost of £2million over the development phase.

Individuals who are already in a civil partnership will have the option of converting their civil partnership into a marriage (they will not be required to do so). Though the detail of this process is yet to be finalised, it is expected that this may be done by obtaining a new marriage certificate. We envisage that this will be administered on a cost-recovery basis estimated at around £100 per case; therefore there will be no cost to the public sector.

The UK Border Agency (UKBA), also part of the Home Office, may require minor changes to application forms and staff guidance but costs are expected to be minimal. There are currently no differences in immigration legislation and rules between couples who are married and couples who are in a civil partnership.

HM Revenue and Customs

Although these proposals will not mean that the words 'husband' and 'wife' have to be removed from official documents or forms, there may need to be changes to forms and IT systems to reflect same-sex couples. The changes to IT systems are estimated to be a one-off cost of between £100,000 and £250,000 (we use a mid-point of £175,000 as our best estimate). Changes to guidance will also be needed. Some of these changes will fall under 'business as usual' (departments are expected to constantly review guidance regardless of policy changes), but there will be an additional estimated one-off cost of between £100,000 and £200,000 for HMRC to update guidance (again, we use a mid-point, £150,000, as our best estimate).

Ministry of Defence

Reform of MOD personnel IT systems will be required. However, it is anticipated that these changes will be negligible.

Ministry of Justice (including the Gender Recognition Panel)

One of the main costs is likely to be the cost of changes to the courts' FamilyMan IT system. This is estimated to be a one-off cost between £135,000 and £165,000 (the mid-point of £150,000 is used as our best estimate). There may also need to be changes to court forms and leaflets to reflect same-sex

marriage, but this will not lead to the blanket removal of the terms husband and wife. This will involve printing new stocks and destroying existing stocks in respect of divorce petitions and applications for dissolution and several other forms. A rough estimate derived from the costs incurred when implementing the Family Procedure Rules would indicate a cost of about £20,000 to print six months' stock of forms and around £18,000 to destroy existing stocks of forms.

Transsexual people can apply to change their legal gender by obtaining a Gender Recognition Certificate. The Gender Recognition Panel, which is part of the HM Courts and Tribunals Service, administers requests for Gender Recognition Certificates. (The Panel currently deals with an average of 320 applications a year.) Allowing same-sex couples to get married would allow transsexual people to change their legal gender without the need to end their marriage. We expect there to be a noticeable increase in the number of applications to the Panel following introduction of any change, particularly from those who may have changed gender some years ago but decided not to apply for legal recognition, since they wished to remain in their existing marriage. This group might apply to the Panel in the year following introduction of marriage for same-sex couples or in subsequent years. Once this initial bulge of applications has been dealt with, we expect thereafter there to be a modest increase in the number of applications to the Panel. Although there is no robust evidence to indicate the level of increase for the purposes of estimating potential impacts, we have assumed an overall increase in the Panel's work of between 50-80 applications a year. This will increase both the administrative and the judicial costs of the Panel. If, however, the influx of applications to the Panel was significantly higher than anticipated, then this might mean that applications could take longer than the present 20 week target to be dealt with.

The consultation included questions designed for transsexual people and their spouses. 3,104 people suggested they would want to take advantage of the policy change and remain in their marriage while obtaining a full Gender Recognition Certificate.

In the absence of any in-depth and robust research on the number of people who might be affected, we have considered a variety of scenarios based on 500 existing married transsexual people who will apply to obtain legal recognition either in year 1 or over a 5 year period, following introduction of any changes, together with an overall increase of 50-80 cases a year. We have also looked at what the impact might be if say an extra 3,000 married transsexual people were to apply to the Panel in various scenarios over a 5 year period, although we think it highly unlikely that there would be as many cases as this. Our scenarios have a wide variation in the potential increase in both administrative and judicial costs over a 5 year period ranging from a total of £200,000 to £700,000. At the present time, the impact on the work of the Panel and the likely increase in both administrative and judicial costs is very difficult to estimate with any accuracy.

We must also be aware of the impact that will occur should there be a different regime for marriage and civil partnerships in the various jurisdictions within the UK. This is considered in Section F below.

Office for National Statistics

The ONS collates the data on the number of people who enter into a marriage or civil partnership. They gain the data electronically from the GRO. When civil partnerships were introduced, the necessary changes were included within other changes that were being made to the system. The ONS would seek to do this again. However, if this was not possible the costs to amend the ONS IT systems to allow for the additional data to be collected would be between £150,000 and £200,000.

Familiarisation costs (local authorities)

The change to the law and processes for conducting a marriage will require those who conduct marriages to familiarise themselves with the new process. We include here some indicative familiarisation costs for registrars who carry out civil marriage ceremonies. We assume that local authorities will be responsible for ensuring that their registrars are familiar with any changes. In practice, it is generally the regional civil registration training groups that organise any training, but how this is delivered can vary across local authorities depending on how complex any new processes are.

The proposal will require those who conduct civil marriages, for example, registrars employed by local authorities, to familiarise themselves with new processes. Familiarisation processes may range from on the desk training or e-training; to formal training sessions. There will be no costs to local authorities of producing training manuals or guidance. The GRO will provide these. Precise details of how the new

processes will work – and the extent of involvement of local authorities are being worked out by the GRO.

There are currently 4,524 registrars conducting marriages in England and Wales, comprising 4,133 Deputy Superintendent Registrars, 187 Superintendent Registrars, 71 Additional Superintendent Registrars and 133 Additional Registrars (figures provided by the GRO).

On the basis of discussions with the GRO, we assume that it will take between 2 and 7 hours to fully understand all of the changes to the law, marriage process and new IT systems. The large range is due to the fact that familiarisation will depend on the complexity of the conversion and associated processes.

It should be noted that if/where Registrars are involved in the conversion process they will be able to recover their costs through the statutory fee.

We estimate the average wage (median gross pay excluding overtime) for a registrar to be £17.60 per hour. This is based on data from the Annual Survey of Hours and Earnings 2011, published by the ONS. In line with guidance issued by the Department of Business, Innovation and Skills (BIS), we also add non-labour costs of 21% to give an hourly cost of £21.30.

We therefore estimate total familiarisation costs for registrars to be between £190,000 and £670,000. These costs fall entirely on public sector organisations. It should be noted that these “familiarisation costs” are basically costs of staff time which could have been spent on other tasks – “opportunity costs”.

Economic Costs

Private premises in which wedding ceremonies are held would be unlikely to see any additional costs from this policy. Licences to hold marriages are generally not gender-specific, so we envisage that any premises with a licence to hold marriages would be automatically able to hold marriages for same-sex couples once the legislation comes into effect, without the need for a new licence. Premises may need to update promotional material and websites, but we expect this to fall under business as usual updates.

The Government will not require any business to make changes in order to deliver this policy.

There is no evidence from the consultation or from other sources, to suggest any extra costs for the private sector. We have considered the possibility of whether businesses may need to change records on databases to reflect the new measure. However, there is no evidence that the introduction of civil partnerships required this, therefore no reason to assume that the introduction of same-sex marriages will do so.

The consultation asked respondents for details of any perceived costs to businesses from these changes. No costs were identified in consultation responses which have not been taken account of.

The Federation of Small Businesses has indicated that they do not have any concerns about costs.

There will be a substantial lead-in time for businesses to adapt if necessary, given that the government has already announced its intentions, and implementation is unlikely to be before 2014. Therefore, we expect businesses will be able to absorb this kind of change if necessary as ‘business as usual’, and so our best estimate of the cost to business for same-sex marriage is zero.

BENEFITS

Economic benefits

Some organisations responding to the consultation believed that there are economic benefits to be gained from introducing same-sex marriage. Newcastle City Council said, “We recognise and welcome the economic opportunities that the extension of marriage to same-sex couples to local businesses and services could potentially bring.” Whilst Birmingham City Council said, “For many businesses ... this will also represent a new market where profit can be made, thus boosting the local and national economy.”

For our best estimate of economic impact we assume no change in the demand for same-sex unions (i.e. we assume that the total number of civil partnerships and same-sex marriages following introduction

of same-sex marriages would be equal to the current annual number of civil partnerships – an average of 6,050 ceremonies a year over the past 4 years). However, there are three possible impacts from changing demand for same-sex civil partnerships/marriages, which we consider in turn below:

1. A **short-term increase in demand**. This may come from couples who are ‘holding out for marriage’ and enter into a marriage soon after the option becomes available. This could take the form of an increased number of marriages held in the first year that changes are introduced.
2. A **long-term increase in demand**. This refers to a level of demand for marriage that is above the current demand for civil partnerships year on year in the future. This may occur if couples who would never want to enter into a civil partnership choose to enter into a marriage after the policy change, or if the policy change were to encourage more couples to formalise their relationship.
3. Those already in a civil partnership who choose to **convert their civil partnership into a civil marriage**. These conversions would be additional to any new unions being formed.

In judging the likelihood of a change in demand, we considered the experiences of other countries and states that have introduced same-sex marriage and also had a form of civil union or registered partnership before same-sex marriage was introduced. A summary of this evidence can be found in Annex 3. There is evidence that other countries have experienced a short-term increase in demand for marriage (over and above existing demand for civil unions) in the first year that same-sex marriage is allowed. There is insufficient evidence to judge whether we should expect any long-term increase in demand (as same-sex marriage has only been introduced recently in most countries – the only country with more than a couple of years of data was the Netherlands, which did not experience any long-term increase in demand).

Demand may also rise if people living in countries where they cannot get married to someone of the same sex could choose to come to England or Wales to get married. The Lesbian and Gay Lawyers Association (LAGLA) in their consultation response said - “We are aware that same-sex couples from the UK travel to places like Canada to get married because they prefer this to a civil partnership. We expect that if marriage is open to same-sex couples in England and Wales, couples especially from elsewhere in Europe will come here to get married here. We expect a modest boost to the tourism industry.”

Because marriage ceremonies are carried out on a cost-recovery basis, an increase in demand would not lead to any increased costs to the public sector.

1. Short-term increased demand

Our high estimate includes a 50% increase in the number of same-sex marriages and civil partnerships in the year that same-sex marriage is introduced, compared to the current number of civil partnerships (we use 6,050 a year, based on the average in the past 4 years). The international comparisons in Annex 3 suggest that there may be a large and additional increase in short-term demand; 50% is used as a purely indicative figure, in the absence of any robust evidence of what demand might be.

A 50% increase would result in 3,025 additional marriages in the first year that marriage becomes available (above the expected 6,050). There are no robust figures for the average amount of money spent on civil partnerships (or that would be spent on marriages), so we use a survey in 2007², which suggested that the average spend on a civil partnership, by the couple and guests, was £4,000 (equal to £4,747 in 2012/13 prices). Based on this, an extra 3,025 ceremonies would result in approximately £14.4 million extra spending in the economy. This would benefit premises which hold civil marriages/civil partnerships and producers and retailers of products and services used in ceremonies (this figure would also include money spent on presents bought by guests and hotels etc.).

As the demand for same-sex marriage is uncertain, and because these economic benefits are not guaranteed to be additional (for example, the spending on a civil partnership or marriage ceremony may not be additional if the couple and guests cut back on spending in other areas), we use **zero benefit as our best estimate, with a range of £0 - £14.4 million**.

2. Long-term increase in demand

Given a lack of evidence from international comparisons (see Annex 3); we assume that there will be no long-term increase in demand.

² Direct Line 2007, http://www.directline.com/about_us/news_230307.htm

3. *Conversion of civil partnerships to marriage*

Once same-sex couples are able to get married, couples in a civil partnership will have the option to convert their civil partnership into a marriage, though they will not be required to. This may create benefits to business through additional consumer spending if couples hold ceremonies and celebrations to mark their conversion.

A consultation question asked whether respondents who were in a civil partnership would want to convert their civil partnership into a marriage. 20,403 said that they would like to take advantage of this. However, we do not know when or how many would hold a ceremony or celebration to mark the conversion, and how much money would be spent at such events. If we make a conservative assumption that one in four of those converting would hold a ceremony or celebration, and couples and guests would spend, on average, a quarter as much as the average spend on a civil partnership; this would result in a benefit to business of £3.0million. Given the uncertainty over these benefits, and the fact that this spending may not be entirely additional; we use a **best estimate of zero, with a range of £0 – £3.0million.**

Non-monetised benefits

The primary objective of this policy is to allow access to marriage for couples, regardless of gender/sexual orientation.

A large number of respondents to the consultation felt that allowing same-sex couples to marry would be good for society as a whole, and would have a positive impact on wider public attitudes towards LGB&T people and ultimately contribute to a more inclusive society where there is more choice and acceptance.

The Royal College of Psychiatrists in their response to the consultation said that LGB persons make up a population that suffers from worse health (in particular mental health and substance dependence) than heterosexual people. Discrimination such as withholding marriage for same-sex couples can contribute to the minority stress experienced by LGB persons, an important factor in their health disadvantage. Marriage for same sex couples could therefore reduce the discrimination and stress that LGB persons suffer, leading to improved health.

There have also been studies from other countries that suggest that marriage for same –sex couples could contribute positively to the health and well-being of LGB people. For example, evidence from the United States (Hatzenbuehler et al 2011) found a positive effect of legalised same-sex marriage on the health of gay men. Buffie (2011) comes to a similar conclusion, namely that “legal and social recognition of same-sex marriage are likely to impart more than just symbolic support for the gay community. Legislation to make marriage equality a reality will change, and save lives.”

Ritter, Matthew-Simmons and Carragher (2012), from the National Drug and Alcohol Research Centre at the University of New South Wales, state that alcohol and or other drug use is one way that sexual minorities attempt to manage negative attitudes, stigma and discrimination due to their sexual orientation. “One of the clearest strategies to help solve this issue is to legitimise sexual minorities through recognition of relationship status – that is, legalise gay marriage.”

Currently, if a person discloses that they are in a civil partnership rather than a marriage, they automatically disclose their sexual orientation. Allowing marriage for both same-sex and opposite-sex couples would give people more control over whether and how they disclose their sexual orientation. In research conducted by Stonewall and the TUC (Stonewall 2004) it was found that 1 in 5 LGB people think they have been harassed at work because of their sexual orientation. By allowing same-sex couples to enter into a marriage, they will be able to disclose their sexual orientation at the time they choose.

Allowing same-sex couples to get married would also create benefits for any transsexual people who are in a marriage or civil partnership and would like to change their legal gender by obtaining a Gender Recognition Certificate.

Under current law, if a transsexual person is married to a person of the opposite sex, they are not able to obtain a Gender Recognition Certificate without first ending their marriage.

This policy change would have the benefit of allowing transsexual people who are in a marriage to obtain a Gender Recognition Certificate without the need to end their marriage. Those currently in a civil partnership would have the option to convert their civil partnership into a marriage and then obtain a Gender Recognition Certificate, rather than be required to end their civil partnership. Those who want to would still have the option of ending their union.

This policy change would therefore create benefits for any married or civil partnered transsexual people who apply for a Gender Recognition Certificate in future, and any individuals who may have been put off applying for a Gender Recognition Certificate because of the requirement to end their marriage. Although we do not have a reliable estimate of the number of individuals affected, we know this would only impact on a relatively small number of people. This impact assessment has not attempted to monetise these benefits.

ONE-IN-ONE-OUT (OIOO)

COSTS (INs)

Our best estimate is that there will be no costs imposed on the private sector and third sector from these changes.

BENEFITS (OUTs)

Our best estimate is that there are no direct monetised benefits to the private sector or the third sector from these changes. However, there would be economic benefits to the private sector if there was an increased demand for marriage, over and above the current demand for civil partnerships. There could also be benefits from increased spending on celebrations from individuals converting their civil partnership to a marriage.

NET

Zero Net Cost

OPTION 3 – Allow marriage for same sex couples but remove civil partnerships

This is not the Government's preferred option.

The fiscal costs of Option 3 would be equal to the fiscal costs of Option 2, as it will require the same changes to be made in order to allow same-sex couples to be married.

If the provision for new civil partnerships was removed, existing civil partners would have the option of converting their civil partnership into a marriage, or keeping their existing civil partnership. Therefore, IT systems would still be required to keep the option of civil partnership, as some couples will still be in one, even if new couples cannot form one. However, we estimate that there would be a marginal reduction in costs as the GRO would no longer need to operate the RON system as a live system (it would only be used for access to records and corrections).

The fiscal costs and benefits of Option 3, compared to Options 2 and 4, will depend on any changes made to the administration of civil marriages and civil partnership and the relative cost of administering each. Currently, civil partnerships cost less to administer, but there would be the possibility of aligning processes for civil marriage to bring these costs into line.

In this impact assessment, we assume that Option 3 would have broadly equal costs and benefits to Option 2 and 4.

ONE-IN-ONE-OUT (OIOO)

COSTS (INs)

Our best estimate is that there will be no costs imposed on the private sector and third sector from these changes.

BENEFITS (OUTs)

Our best estimate is that there are no direct monetised benefits to the private sector or the third sector from these changes. However, there would be economic benefits to the private sector if there was an increased demand for marriage, over and above the current demand for civil partnerships. There could also be benefits from increased spending on celebrations from individuals converting their civil partnership to a marriage.

NET

Zero Net Cost

OPTION 4 – Introduce marriage for same-sex couples, allow religious organisations to conduct same-sex marriage ceremonies if they wish, keep civil partnerships (for same-sex couples only)

This is the Government's preferred option as it will allow same-sex couples to enter a marriage through either a civil or religious ceremony, and continues to allow civil partnerships for same-sex couples.

The fiscal costs and benefits of Option 4 would be equal to the fiscal costs of Option 2, as it will require the same changes to be made in order to allow same-sex couples to be married.

The only difference between Option 2 and Option 4 is that Option 4 allows same-sex couples to have a religious ceremony to enter into a marriage, should the religious organisation agree.

Option 4 would create some extra costs for the General Register Office to administer a process to record religious premises that are allowed by the governing religious authority responsible for them to conduct same-sex marriages. This is likely to be in addition to any registration for opposite-sex marriages. Detailed arrangements would be considered to make this possible while protecting those groups that do not wish to carry out same-sex marriages from legal challenge. We estimate that this cost would be about £120 per premises (based on the current cost of registering premises for marriage) and that no more than 5% of current places of worship³ would choose to opt in, based on the relatively small numbers of bodies responding to the consultation that expressed interest in doing so. This gives a cost of approximately £120,000⁴.

It is likely that this process would be run by GRO on a cost-recovery basis by charging a registration fee for religious premises to register. Therefore this cost may be borne by religious organisations. However, religious organisations would also have the option of cost-recovery themselves, as premises usually charge a fee for couples to hold a marriage.

Given that the paying of these fees are voluntary, we assume that individuals and premises would only pay these fees if they receive a benefit of at least equal value in obtaining the right to hold marriages. Therefore this cost is balanced by an equal benefit to those who are enabled to hold same-sex marriage.

In the event that fees are passed through to individuals this would therefore represent:

- A cost to the public sector of approximately £120,000 for the administration of the registration system;
- An equal benefit to the public sector from the collection of fees from religious premises;
- An equal cost to religious premises of paying the fees;
- A benefit to religious premises of fees received from couples to hold their marriages at the premises (which we assume would cover the cost above)
- A cost to individuals from paying the fee to hold their marriage at the premises
- A benefit to individuals from being able to hold their marriage at the premises they choose (which must be at least equal to the cost, otherwise they would not choose to pay to hold their marriage in the premises).

³ There are approximately 24,000 premises registered for marriage, therefore if we assume a 5% take up, there would be 1,200 premises.

⁴ It is likely that the majority of these costs would fall in the first year following implementation (premises would only need to register once), but there would be a small number of premises registering in the following years. However, as the majority of costs are expected to fall in the first year, for simplicity we include this cost as a one-off transitional cost.

Therefore, the cost of £120,000 is met by equivalent benefits. As the registration process operates effectively as a charge or fee for Government services, this cost is outside the scope of One-In-One-Out.

ONE-IN-ONE-OUT (OIOO)

COSTS (INs)

Our best estimate is that there will be no costs imposed on the private sector and third sector from these changes.

BENEFITS (OUTs)

Our best estimate is that there are no direct monetised benefits to the private sector or the third sector from these changes. However, there would be economic benefits to the private sector if there was an increased demand for marriage, over and above the current demand for civil partnerships. There could also be benefits from increased spending on celebrations from individuals converting their civil partnership to a marriage.

NET

Zero Net Cost

F. Risks

1. Unforeseen costs to public sector and business

Although the consultation document sought evidence from respondents on any costs for business or the public sector, no specific additional costs were identified.

To mitigate this risk, the Government will be providing a “lead-in” time before changes are implemented, so that in many cases, any change would fall under business-as-usual costs.

Birmingham City Council said in their consultation response that any additional costs would relate to the authority’s normal business practice and should be absorbed by budgets as business as usual costs and in the private sector if there were any costs these would be absorbed in the same manner.

2. Different legal frameworks in Scotland and Northern Ireland

Our consultation only covered marriage for same-sex couples in England and Wales. Enabling same-sex couples to get married has been consulted on separately in Scotland. The Northern Ireland Executive has not indicated any plans to consult on this matter. This raises the possibility of increasingly different legal frameworks existing for marriage in the different jurisdictions within the United Kingdom. This may create extra costs, as guidance and training will need to be provided for public bodies to understand the differences and the implications for individuals who travel between countries. The Gender Recognition Panel has raised this as a concern. GEO will monitor closely the developments in Scotland and Northern Ireland, and will look for opportunities to avoid any incompatibility issues.

G. Enforcement

The GRO and local authorities will continue to ensure that premises are compliant with the relevant legislation to hold a legal marriage ceremony.

H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

| |
|-------------------------------------|
| Table H.1 Costs and Benefits |
|-------------------------------------|

| Option | Costs | Benefits |
|--------|---------------------------|-----------------------|
| 2 | -£3.9m (PV over 10 years) | £0 (PV over 10 years) |
| 3 | -£3.9m (PV over 10 years) | £0 (PV over 10 years) |
| 4 | -£3.9m (PV over 10 years) | £0 (PV over 10 years) |

The costs presented are all generally transitional costs, related to one-off changes required. There are no annual costs after the transition. However, the Gender Recognition Panel has provided some additional costs relating to an increase in people seeking Gender Recognition Certificates. All costs fall on the public sector; there are zero costs or benefits to the private sector.

The table below shows the annual profile of costs.

Our working assumption is that changes to the GRO's RON IT system (£2 million) would take two years to implement, while all other changes would take one year or less. We assume that changes would not be made until after legislation is passed by Parliament (which would be 2013/14 at the earliest, and may be later), but all changes would need to be completed before the legislation is fully implemented.

Annual profile of costs (best estimate), in 2012/13 prices, £million

| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Transitional costs | 0 | 0 | 1.0 | 3.2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Annual recurring costs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total costs | 0 | 0 | 1.0 | 3.2 | 0 | 0 | 0 | 0 | 0 | 0 |

For non-monetised costs and benefits, please see main evidence base section.

Applying a discount rate of 3.5% (in line with standard Green Book assumptions) gives a net present value of these costs as £3.9 million.

I. Implementation

The aim is for legislation in the lifetime of this Parliament (by 2015). This work will be led by GEO, part of the Department of Culture, Media and Sport, supported by other Government departments.

J. Monitoring and Evaluation

Post implementation, the new regime will be monitored by the ONS. The ONS collects national statistics regularly of the amount of people who enter into marriage or civil partnership.

K. Feedback

Feedback will be obtained from a number of ongoing sources:

- monitoring correspondence received by departments across government
- ongoing stakeholder engagement
- ongoing contact with representatives of local authority registrars to ensure that the new procedures and processes are working.

L. Specific Impact Tests

See Annex 1.

Annex 1: Specific Impact Tests

Economic Impacts

Small firms impact test

Our consultation did not reveal any cost to business.

There are possible benefits to small firms which operate as premises for civil marriages if they are able to take advantage of opportunities to hold civil marriage ceremonies for same-sex couples. If there were no increased demand for marriages following the change, over and above the current demand for civil partnerships, then there would be no aggregate benefits to premises. However, as discussed above, if there were to be an increased demand for marriage, we would expect increased spending on ceremonies and this would benefit civil marriages premises (which could be businesses of any size).

We expect there to be very little impact on micro-businesses (firms employing ten or fewer people). There may be benefits if there were to be an increased demand for marriage. Our best estimate would be zero net cost imposed on micro-businesses.

Social Impacts

Justice

At present, we do not envisage that the introduction of marriage for same-sex couples will introduce new civil sanctions, fixed penalties, or a new criminal offence. It is possible that existing perjury offences could be used where someone provides false information in respect of a civil partnership conversion or application to the Gender Recognition Panel. However we expect the number of any such cases to be negligible. There are therefore no additional costs relating to this, or costs relating to tribunals or compensation payments. Should this position change, for example during preparation for legislation and development of processes for registration of marriages, we shall revise this impact assessment.

Overall we anticipate that marriages between couples of the same-sex will largely take the place of civil partnerships in terms of new legal relationships for same-sex couples, with some in existing civil partnerships converting to marriage. Therefore over time the ending of these relationships will be largely through divorce, with a decline in dissolution. Since the volume of marriages for same-sex couples will be small compared with the overall opposite-sex married population, we do not anticipate a large increase in divorce applications. Furthermore because married transsexual people will no longer need to obtain a divorce to gain a Gender Recognition Certificate, for this group there may be a small decline in divorces, though again in terms of overall divorce applications this is not significant.

There is expected to be an increase in the number of applications to the Gender Recognition Panel from those married transsexual people who previously felt unable to apply for legal recognition of their acquired gender because of the requirement to end any existing marriage in their birth gender.

Privacy Impact Assessment

We do not consider that a Privacy impact assessment is required. There are no additional privacy risks to individuals. Marriage for same-sex couples does not require a change in technology. In respect of data handling, holding and disseminating of information, it will not develop extra data or new requirements to share data between organisations. Marriage for same-sex couples will not generate new sources of information as questions on marital status and details of next of kin are not new.

Annex 2: Countries with provisions for marriage for same-sex couples and civil union

GEO has conducted research into other countries which have provisions for same-sex marriage and same-sex civil unions. Different legal frameworks mean that different forms of union and marriage in different countries do not confer the same rights in each country. Below is a list of the current countries and jurisdictions which allow for same-sex union (based on GEO research). Some jurisdictions recognise civil unions or same-sex marriage from other countries, even if they have not established their own arrangements for civil unions and marriage for same-sex couples.

List of jurisdictions which have established marriage for same-sex couples

Argentina
Belgium
Canada
Iceland
Mexico (Mexico City only but recognised throughout Mexico)
Netherlands
Norway
Portugal
South Africa
Spain
Sweden
United States of America (some states only)

List of jurisdictions which have established same-sex unions

Andorra
Argentina (some parts of the country only)
Australia (precise laws vary from state to state)
Austria
Brazil
Canada
Colombia (cohabitation rights)
Czech Republic
Denmark
Ecuador
England and Wales
Finland
France
Germany
Hungary
Iceland
Liechtenstein
Mexico (some parts of the country only)
Netherlands
New Zealand
Northern Ireland
Republic of Ireland
Scotland
Slovenia
South Africa
Switzerland
United States of America (some states only)

Annex 3: Marriage for same-sex couples - international comparisons

This annex examines the experiences of other countries that previously had a form of civil union and then introduced marriage for same-sex couples.

Summary

Based on the experiences of other countries that have enabled same-sex couples to get married (and had a form of civil union available beforehand), the Government should expect to see a spike in demand for marriage between same-sex couples in the year that it is introduced. This would be explained by (i) conversions of existing civil partnerships into marriages; but also (ii) additional demand for new marriages in the first year, which may be explained by people 'holding out' for marriage to become available.

However, this would be a short-term spike in demand - a change in when rather than whether – couples form a partnership. There is no evidence of countries experiencing a longer term increase in demand. There is no reason to expect any spike in demand to be as large as experienced in 2006 after civil partnerships were introduced.

Background

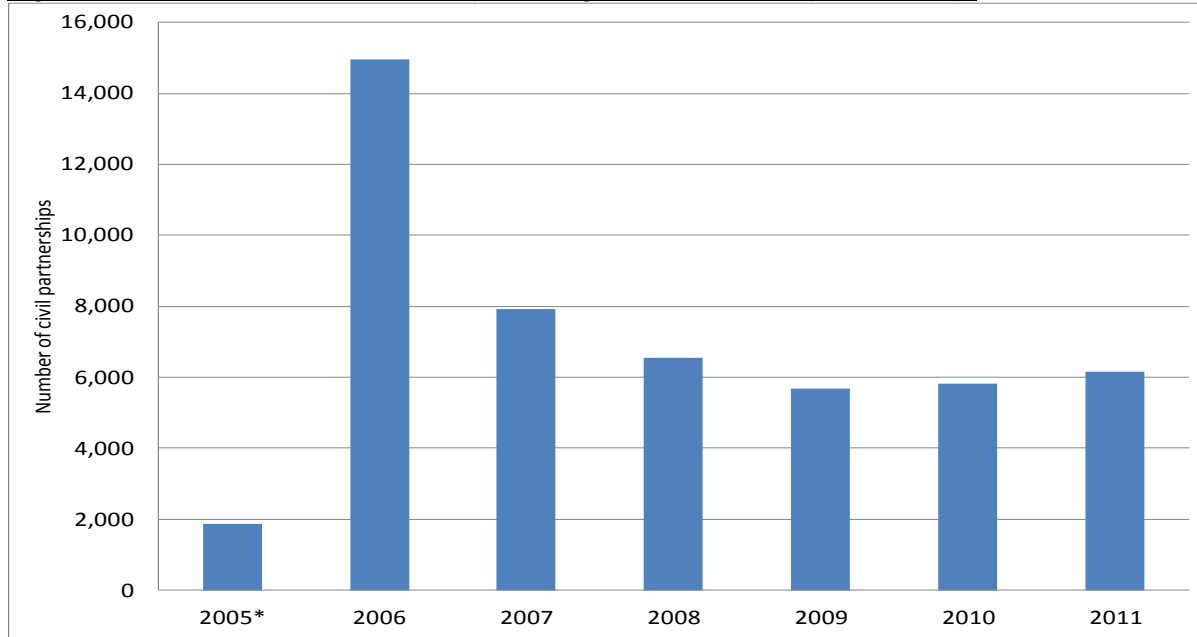
When civil partnerships were first introduced in December 2005 there was a large “spike” in demand (with 16,800 ceremonies between December 2005 and December 2006 inclusive). Since then, the number has levelled off to around 6,000 ceremonies a year (see Figure 1 below).

Civil partnerships represented the first time that same-sex couples could register their partnership, so this spike in 2005-2006 represents all couples who wanted to formalise their relationship immediately. When marriage for same-sex couples is introduced, couples will already have been able to have a civil partnership for several years, so we would not expect such a large spike in demand in the first year of same-sex marriages. However, we might expect an increase in demand if:

- a) there are couples who delay entering into a civil partnership and wait for marriage for same-sex couples to be introduced;
- b) couples who are already in a civil partnership convert their civil partnership into a marriage⁵;
- c) there are couples who have never wanted a civil partnership but would want to enter into a civil marriage; or
- d) if marriage is valued more highly than civil partnerships and the availability of marriage encourages more same-sex couples to formalise their relationship. Alternatively, if marriage for same-sex couples encourages greater acceptance of same-sex couples in society, encouraging more couples to formalise their relationship.

⁵ There may also be some increase in demand from transsexual individuals, as they would be able to convert their civil partnership to a marriage before obtaining a legal change of gender.

Figure 1: Number of Civil Partnerships in England and Wales (2005-2011)⁶



* December 2005 only.

We make a distinction when thinking about the effect on demand:

- Increased demand that is a **short-term**, or a shift in *when*, not *whether* couples marry or form a partnership – as in (a) and (b) above.
- An increase in the total amount of partnerships over the **longer-term**, over and above current demand for civil partnerships – as in (c) and (d) above.

Method

To help inform what to expect when marriage for same-sex couples is introduced, below we look at the experience of other countries that have:

1. Allowed same-sex couples to get married on the same legal basis as opposite-sex couples in a marriage.
2. Before introducing marriage for same-sex couples, had a form of civil union or registered partnership which conferred the same or very similar rights to same-sex couples as marriage.

We identify 9 countries and States that fit this description (see table below). However it should be noted that there are several limitations to these international comparisons:

- Different countries have different legal systems and these differences can impact on the numbers of marriages. Countries may also have different rules in different regions and people may travel between countries or regions in order to get married. Rules may also differ with regard to whether religious marriage ceremonies are permitted or only civil marriage ceremonies.
- Culture and social norms can also be very different, which reduces comparability.
- Reliable and complete data on the numbers of unions and marriages are not always available. Also, the numbers involved can sometimes be very small.

⁶ Source: Office for National Statistics, <http://www.ons.gov.uk/ons/rel/vsob2/civil-partnership-statistics--united-kingdom/2011/sb-civil-partnerships-in-the-uk--2011.html>

Summary table

| Country/State | Civil union introduced | Same-sex marriage introduced | Short-term increase in demand | Longer-term impact |
|------------------------------|------------------------|------------------------------|-------------------------------|-----------------------|
| Argentina | Varies by province | 2010 | Insufficient evidence | Insufficient evidence |
| Canada | Varies by province | 2005 | Insufficient evidence | Insufficient evidence |
| Iceland | 1996 | 2010 | Insufficient evidence | Insufficient evidence |
| Netherlands | 1998 | 2001 | Yes | No |
| Norway | 1993 | 2009 | Yes | Insufficient evidence |
| Sweden | 1995 | 2009 | Yes | Insufficient evidence |
| United States: Connecticut | 2005 | 2008 | Yes | Insufficient evidence |
| United States: New Hampshire | 2008 | 2010 | Yes | Insufficient evidence |
| United States: Vermont | 2000 | 2009 | Insufficient evidence | Insufficient evidence |

Country by country

Argentina

Civil unions for same-sex couples were first permitted in Buenos Aires in 2003. This was followed by similar arrangements in the regions of Villa Carlos Paz, Rio Cuarto, Ciudad de Buenos Aires and Rio Negro. In July 2010, same-sex marriages were legalised nationwide. There are no central records of the number of same-sex civil unions formed before 2010, so it is not possible to compare demand for same-sex marriage to demand for civil unions.

Canada

The Civil Marriages Act came into force in Canada in July 2005, which allowed same-sex marriage nationwide. Before 2005 some Canadian provinces had already taken action to recognise same-sex partnerships and laws varied between provinces; for example, Ontario allowed same-sex marriage in 2002 and British Columbia in 2003. Canada also allows common-law marriages (rules for common law marriages also vary by province). Canada was the first country to allow same-sex marriage between people who are not residents of its territory, and a large proportion of same-sex marriages in Canada are for non-residents.

Data from the Census in 2006 suggests that there were 7,500 same-sex married couples in Canada, as well as 37,900 same-sex couples who were “common-law couples”⁷.

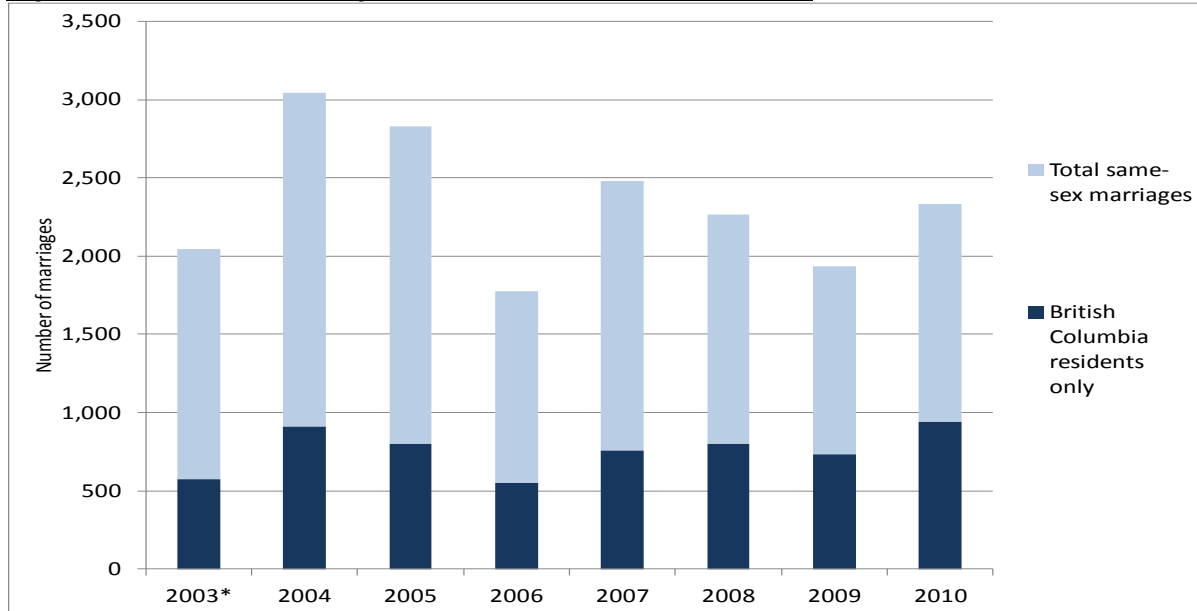
Statistics Canada decided in 2011 to stop collecting and publishing data on marriages. Due to the complexity of different rules in different provinces before marriage was allowed nationwide, many provinces do not provide good comparators, and none provide sufficient data to make comparisons.

The only province that provides comprehensive data on same-sex marriages is British Columbia, which first allowed same-sex marriage in July 2003 (see Figure 2). From 1997, British Columbia had offered some legal recognition to same-sex couples as common-law couples⁸, but there is no data available on the number of same-sex couples in common-law marriages before 2003.

⁷ http://www42.statcan.gc.ca/smr08/2011/smr08_158_2011-eng.htm

⁸ http://www.religioustolerance.org/hom_marb6.htm

Figure 2: Same-sex marriages in British Columbia 2003-2010⁹



* From July 2003 only

Iceland

Registered partnerships for same-sex couples were introduced in 1996 in Iceland. Same-sex marriage was legalised, with the passing of a bill with a gender-neutral marriage definition, in June 2010. Comparisons of the demand for marriage compared to registered partnerships are not possible due to the small numbers involved (in 2010 there were 13 same-sex marriages, and the annual number of registered partnerships and marriages has been between 9 and 22 per year since 1996)¹⁰.

Netherlands

Same-sex couples in the Netherlands were able to enter into “registered partnerships” from 1998. In 2001, the Netherlands opened up civil marriages to same-sex couples. Since 2001, registered partnerships and civil marriages have been open to same-sex and opposite-sex couples and couples can convert between the two.

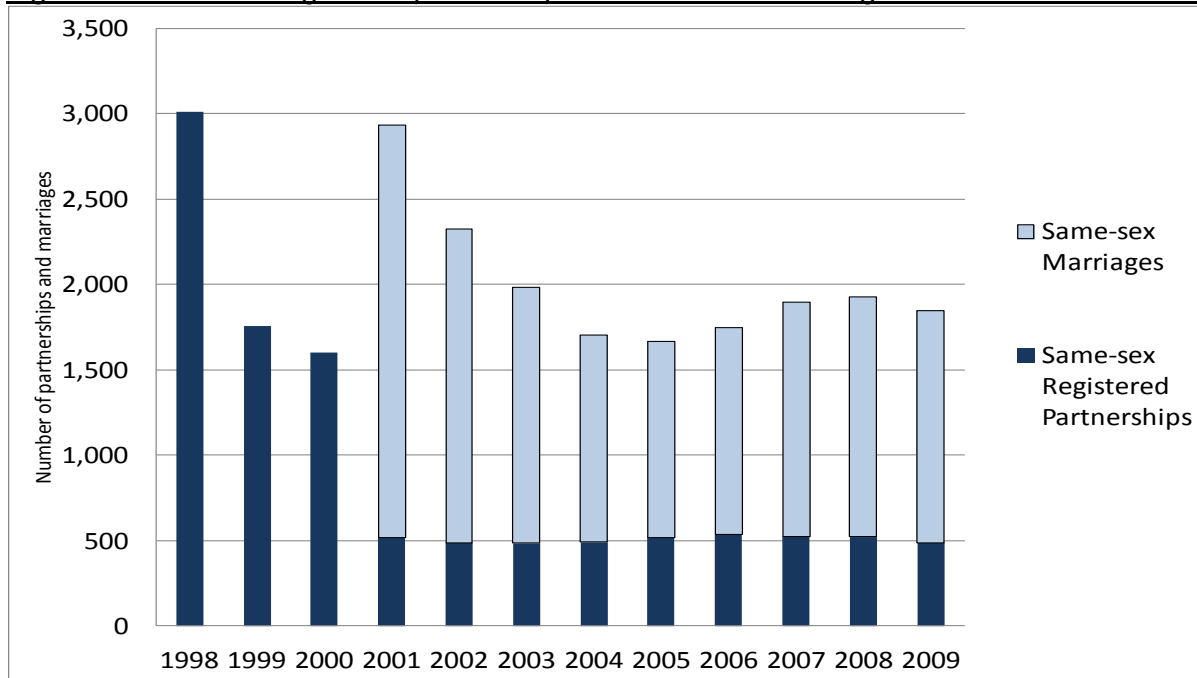
The figures for same-sex unions in the Netherlands suggest that there was a peak in registered partnerships when they were introduced in 1998 and another peak when same-sex marriage was introduced in 2001 (see Figure 3). The total number of marriages in 2001 represents a 51% increase compared to registered partnerships in 2000.

Since 2001, figures have remained broadly stable, with about 500 same-sex registered partnerships and about 1,100-1,400 same-sex marriages per year between 2004 and 2009. The total number of same-sex unions has now returned to similar levels to those before same-sex marriages were introduced. The spike in marriages in 2001 is not entirely explained by new marriages, as this will also include existing registered partnerships being converted into marriages. Statistics Netherlands are not able to distinguish in this data how many marriages are conversions.

⁹ Source: British Columbia Vital Statistics Agency, <http://www.vs.gov.bc.ca/>

¹⁰ Source: Statistics Iceland, <http://www.statice.is/Statistics/Population/Marriages-and-divorces>

Figure 3: Number of registered partnerships and same-sex marriages in the Netherlands 1998-2009¹¹

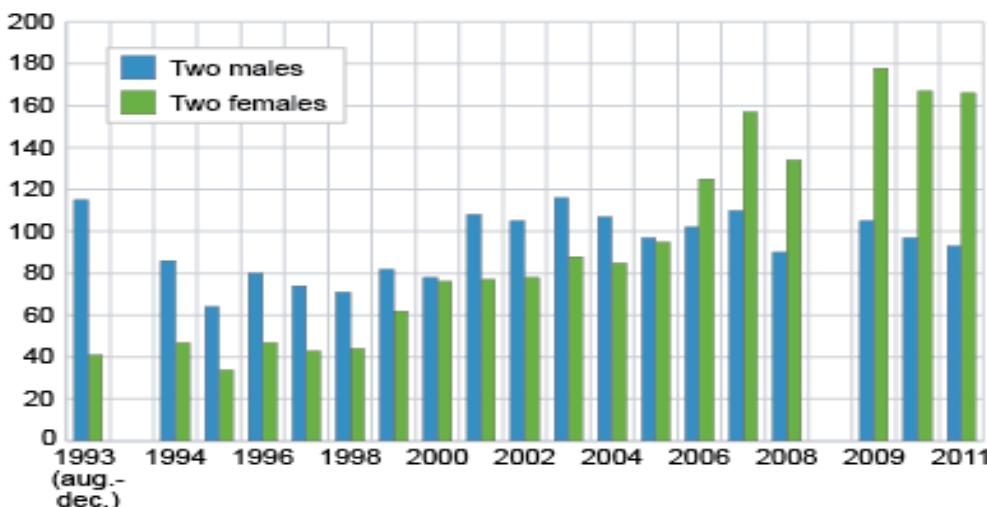


Norway

Same-sex couples could enter registered partnerships in Norway from 1993. In January 2009 same-sex marriage was legalised and the Registered Partnership Act was repealed, meaning that from January 2009 no new registered partnerships could be formed. Figure 4 below shows the numbers of registered partnerships between 1993 and 2008 and the number of same-sex marriages between 2009 and 2011¹². There was an increase in the total number of same-sex unions following the legalisation of same-sex marriage in Norway. However, this was in the context of increasing numbers of partnerships in the years preceding the change and the increase appears to have been solely amongst female couples (an Annex below compared demand by gender in different countries). As marriage for same-sex couples has only recently been introduced we are unable to tell if there has been a long-term increase in demand.

It should also be noted that the pattern in take-up is quite dissimilar to that in the UK, where there was a large spike in demand after the introduction of civil partnerships.

Figure 4: Registered Partnerships and Marriages in Norway 1993 - 2011¹³
Registered partnerships 1993-2008. Marriages of two persons of the same sex. 2009-2011



¹¹ Source: Statistics Netherlands, <http://statline.cbs.nl/StatWeb/publication/?DM=SLEN&PA=37772eng&D1=0,2-4,35-47&D2=40-59&LA=EN&HDR=G1&STB=T&VW=T>

¹² Source: Statistics Norway, <http://www.ssb.no/english/yearbook/fig/fig-100.html>

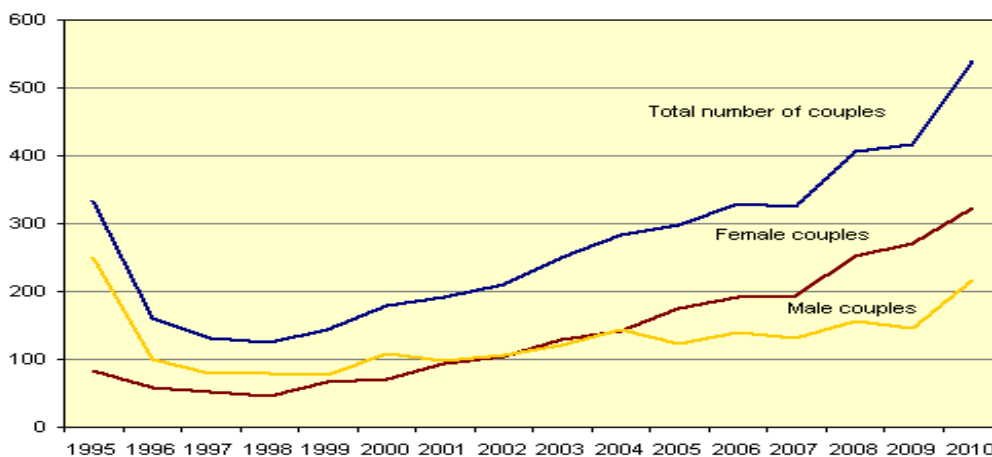
¹³ Ibid

Sweden

In Sweden, same-sex couples have been able to enter into a registered partnership since 1995. A gender-neutral marriage law came into force in May 2009. The total number of same-sex couples who entered into a marriage in 2009 and 2010 was greater than the number entering into registered partnerships in 2008 (an increase of 2.5% between 2008 and 2009 and 29.3% between 2009 and 2010 – see Figure 5).

As in Norway, the total number of registered partnerships had also been increasing between 1998 and 2008, so some of this increase reflects a longer term trend increase. In addition, we are also unable to tell if there has been a longer term change in demand as marriage for same-sex couples has only been recently introduced.

Figure 5: Number of newly registered partnerships and same-sex marriages, 1995-2010¹⁴



The graph above illustrates the number of couples who, between 1995-2009 registered their partnerships and the number who between 2009-2010 entered a same-sex marriage. The number of those who transferred their registered partnership to marriage is not included.

United States

Currently, same-sex couples can marry in six states in the US (Connecticut, Iowa, Massachusetts, New Hampshire, New York and Vermont) plus the District of Columbia (California also offered same-sex marriages between June and November 2008 but no longer does so). Three states offered a form of same-sex civil union before marriage: Connecticut, New Hampshire and Vermont.

Vermont introduced same-sex marriage in 2009, but up-to-date statistics are not available¹⁵.

Connecticut began offering same-sex civil unions in 2005. In 2008, same-sex marriage was introduced. Both civil unions and marriages were available to same-sex couples until October 2010, when civil unions were removed and all civil unions were converted into marriages. Figures from Connecticut show a large increase in demand for marriage compared to civil unions – see Figure 6¹⁶. These figures only show new marriages, not conversions, so the increase is solely amongst couples who chose not to enter into a civil union and waited for marriage to become available or more recently formed couples. About 59% of same-sex couples married in Connecticut were non-residents who had travelled to the state in order to marry. The numbers of residents getting married in 2009 suggests a small spike in demand, then a fall to similar levels as previous civil unions.

Figure 6: Civil unions and marriages in Connecticut 2005-2010¹⁷

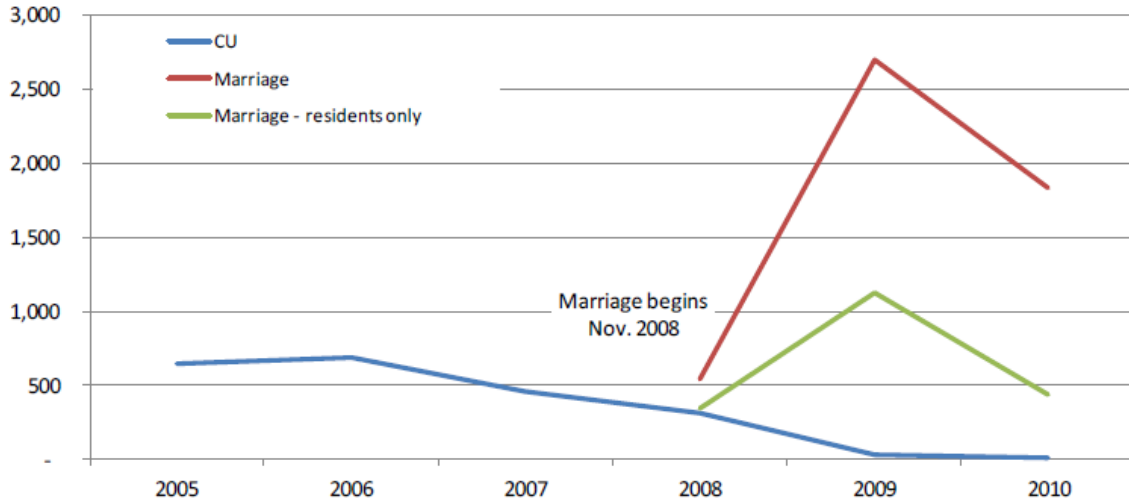
¹⁴ Source: Statistics Sweden, http://www.scb.se/Pages/PressRelease_308294.aspx

¹⁵ Data is only available up to 2008, before same-sex marriage was introduced. Vermont Vital Statistics Agency, <http://healthvermont.gov/index.aspx>

¹⁶ Source: Badgett & Herman (2011) 'Patterns of Relationship Recognition by Same-Sex Couples in the United States' The Williams Institute

¹⁷ Ibid

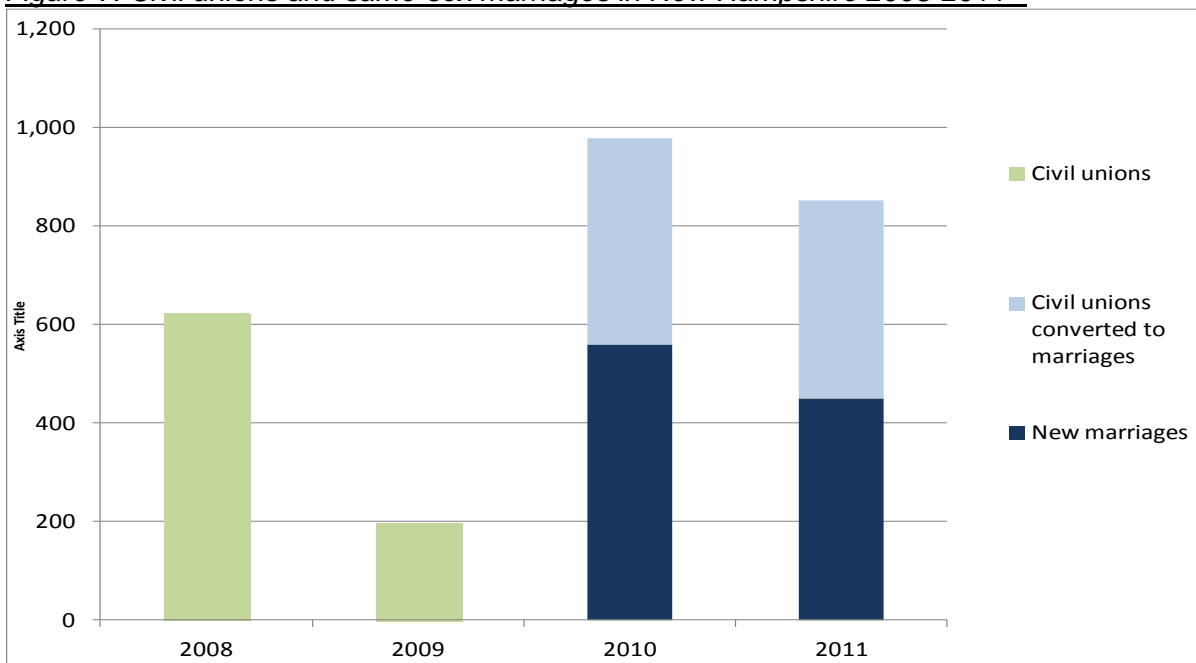
Figure 8. Demand for Civil Unions and Marriage in Connecticut



New Hampshire introduced civil unions in January 2008 and same-sex marriage in January 2010. In 2010, couples in a civil union could convert to a marriage and in January 2011 all remaining civil unions were automatically converted into marriages. Figures for new marriages in 2010 are higher than 2009, but about the same as 2008 (see Figure 7). The reduction in 2009 may represent couples holding out for marriage, but there are too few years to make any firm conclusions.

Looking at all US states who have introduced civil unions and marriage, Badgett & Herman (2011) estimate that in the first year after introduction, states which allowed same-sex marriage saw higher rates of formation than states which introduced civil union¹⁸. In states allowing marriage, 30% of existing same-sex couples got married; in states introducing civil union, 18% of same-sex couples entered a civil union.

Figure 7: Civil unions and same-sex marriages in New Hampshire 2008-2011¹⁹



Conclusions

Due to the limitations of international comparisons and the lack of relevant or up-to-date data from many countries, these results should be seen as indicative only.

¹⁸ Badgett & Herman (2011) 'Patterns of Relationship Recognition by Same-Sex Couples in the United States' The Williams Institute

¹⁹ Figures provided by New Hampshire Vital Records Administration. Civil unions converted to marriages are estimated by assuming that all same-sex marriages in January 2011 were conversions, and that all remaining civil unions converted during 2010.

From the countries and States that have data on marriages for same-sex couples, all showed a short-term increase in the number of marriages, compared to the number of civil unions formed in the year before.

The only country that has more than three years' worth of data following the introduction of same-sex marriage is the Netherlands. Here, there was a short-term spike in demand for marriages (which is likely to be largely explained by couples converting existing registered partnerships into marriages), but no discernible long-term increase in demand²⁰.

Norway and Sweden also show an increase in demand for marriages in the year of introduction. However, a difference in these countries is that the demand for registered partnerships had been steadily increasing since their introduction. The increases in Norway and Sweden look to be slightly greater than the earlier trend increase, but data is not yet available for more than one or two years since marriages were introduced so we cannot tell if this trend will continue. This experience differs from England and Wales, where civil partnerships saw a large initial surge followed by a 'steady state'. The differences may be due to cultural differences and the fact that the Scandinavian countries introduced registered partnerships much earlier than the England and Wales.

The reasons for the short-term spikes in demand for marriage are not clear from the data. In the Netherlands, it will be largely explained by conversions (though we cannot be sure to what extent). In Connecticut (where conversions are not included in the figures) there are signs of a reduction in civil unions in preceding year, suggesting some couples may be 'holding out' for marriage to be introduced. In Norway and Sweden, some of the increase will be explained by longer term trends for more same-sex couples formalising their relationship.

The conclusion we draw from these comparisons is that England and Wales should expect to see a short-term increase in demand for same-sex marriage in the year that it is introduced, despite the fact that civil partnerships have been available for several years. Given there have already been between 68,000 (based on registration data) and 88,000 (based on the Annual Population Survey) (Ross et al 2011) civil partnerships, there is likely to be a large demand for conversions²¹. However, the international experiences suggest that there would also be an additional short-term increase in demand on top of these conversions.

In addition, there is not enough evidence available to suggest if any other countries have seen a long-term change in demand for marriage compared to previous demand for civil unions.

²⁰ However, data from the Netherlands only includes three years of registered partnerships before marriage was introduced so there is no clear indication of what long-term demand would have been for registered partnerships.

²¹ Question 9 of the equal civil marriage consultation asked those in a civil partnership whether they would want to convert into a civil marriage. Whilst the consultation is not a representative sample, this may provide an insight into how many people may wish to convert.

Annex 4: References

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