



## BRIEFING PAPER

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# Mothers' details on marriage certificates

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## Summary

This briefing paper deals with the law in England and Wales. Different legislation and marriage registration systems apply in Scotland and Northern Ireland.

### **Current position**

In England and Wales, the law requires all marriages to be registered once they have taken place. The system for registering marriages is currently paper-based. The prescribed particulars to be registered for a marriage include details of the father but not the mother of the bride and groom.

There have been calls from both within and outside of Parliament for mothers' details to be included in marriage registration.

### **Labour Government proposals for change – not implemented**

The Labour Government proposed wide-ranging reform of civil registration. This included a proposal to include on the marriage certificate the names and occupations of the father and mother of the bride and groom. However, these proposals were not implemented.

### **Government willing to address issue**

On 18 August 2014, the then Prime Minister, David Cameron, announced the Government's intention to address this issue.

On 8 December 2015, there was a Westminster Hall debate on marriage registration certificates. Richard Harrington, who was then a junior Home Office Minister, confirmed the Government's willingness to remedy the issue. He spoke of the need for a comprehensive solution and not a simple amendment of the current marriage register. The Minister said that officials at the Home Office were working with key stakeholders to ensure that the needs of all different types of family were met.

Subsequently, written answers to Parliamentary Questions have indicated that work on changing marriage certificates is ongoing.

### **Private Members' Bills**

The Registration of Marriage Bill 2016-17, a Private Member's Bill, was presented to Parliament by Edward Argar on 29 June 2016 (the Bill). Explanatory Notes, prepared by the Home Office, were published with the consent of Edward Argar. The Bill had its second reading, without debate, on 13 January 2017. It was committed to a Public Bill Committee but made no further progress.

Three Private Members Bills have been introduced in the current Parliamentary session, two in the House of Commons and one in the House of Lords. The Registration of Marriage (No.2) Bill 2017-19 and the Registration of Marriage Bill [HL] 2017-19 are in similar terms and are also in the same terms as the Private Member's Bill introduced by Edward Argar in the 2016-17 Parliamentary session. The Home Office has prepared Explanatory Notes for the Registration of Marriage (No.2) Bill 2017-19, which was presented to Parliament by Dame Caroline Spelman on 14 November 2017.

Each of these two Bills would enable the Secretary of State to make regulations to amend other legislation governing marriage registration, with the intention of changing the way in which marriages are registered in England and Wales. There would be a move from a paper based system to registration in an electronic register. The Bill would enable changes to be made to the register entry, now and in the future, and would facilitate inclusion of

mothers' details. The Government considers that this would create a more secure system for the maintenance of marriage records.

### **The Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill 2017-19**

The other Private Member's Bill in the current session is the [Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Bill 2017-19](#), introduced by Tim Loughton (Conservative), who came fifth in the Private Members' Bill ballot held in June 2017. This Bill is due to have its second reading on 2 February 2018. [Explanatory Notes](#) have been prepared by the Home Office with the consent of Tim Loughton.

Information about the Bill is provided on the [Bill page on the Parliament website](#).

The long title to the Bill includes "to make provision about the registration of the names of the mother of each party to a marriage or civil partnership".

The Bill would require the Secretary of State to "review the system of registration of marriages and civil partnerships with a view to ascertaining which changes would (whether alone or as part of wider changes) enable the provision of details relating to both parents of a party to a marriage or civil partnership in any place where details relating to only one parent are currently provided".

The Bill would also deal a number of other matters. Another Library briefing paper provides further information:

[Commons Library analysis: Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Bill \(CPB 08217, 1 February 2018\)](#).

# 1. Content of marriage certificates: current position

## 1.1 Marriage registration

In England and Wales, the law requires all marriages to be registered once they have taken place.

The marriage registration system is currently paper-based. Following the marriage ceremony, the person responsible for registering the marriage, (which may be a registrar, a member of the clergy or a person authorised on behalf of other religious groups) registers the marriage in a marriage register book and hand writes marriage certificates. A marriage certificate is an exact copy of the marriage register entry.

Different legislation and marriage registration systems apply in Scotland and Northern Ireland.

The current system for registering marriages is paper based

## 1.2 Details included in the Marriage Register

The layout and content of the entry in the marriage register is prescribed by the [Registration of Marriages Regulations 2015](#).<sup>1</sup> It remains the case that the prescribed particulars to be registered for a marriage include details of the father and not the mother of the bride and groom.

Details of the father but not the mother of the bride and groom are included when a marriage is registered

## 1.3 Civil partnership certificates

Details of both the father's and the mother's name, surname and occupation are included on a civil partnership schedule, as prescribed by the [Civil Partnership \(Registration Provisions\) Regulations 2005](#).<sup>2</sup>

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<sup>1</sup> SI 2015/207, see Form 15

<sup>2</sup> SI 2005/3176

## 2. Labour Government's proposals for change

The Labour Government considered modernising civil registration and, in January 2002, published a White Paper, [Civil Registration: Vital Change – Birth, Marriage and Death Registration in the 21st Century](#).<sup>3</sup> This set out wide-ranging proposals for reform, among which was a proposal to include on the marriage certificate the names and occupations of the father and mother of the bride and groom.<sup>4</sup>

The consultation which preceded the White Paper included a question asking what information should be recorded in the register and on certificates. The White Paper indicated that the most popular ideas elicited by this question related to marriage entries, with over 30 per cent wanting to see the mother's details, as well as the father's, being included in the entry.<sup>5</sup>

However, these proposals were not implemented. When the White Paper was published, the then Government announced that the legislative changes would be brought about by using the order-making powers in the Regulatory Reform Act 2001. The proposals were to be implemented in two stages: first those relating to the registration of births and deaths and then, subsequently, those relating to marriage. However, both the Parliamentary Committees which considered the proposals relating to registration of births and deaths concluded that they were not appropriate for the Regulatory Reform Order procedure.<sup>6</sup>

In March 2005, Stephen Timms, who was then Financial Secretary to the Treasury, said that, in the light of the Committees' decision, he no longer intended to put forward a draft Regulatory Reform Order to reform marriage law.<sup>7</sup>

A Labour Government proposal to include on a marriage certificate the names and occupations of the father and mother of the bride and groom, as part of more wide-ranging reform of civil registration, did not proceed

<sup>3</sup> CM 5355

<sup>4</sup> CM 5355, [Civil Registration: Vital Change – Birth, Marriage and Death Registration in the 21st Century](#), January 2002, p20

<sup>5</sup> Ibid p50

<sup>6</sup> House of Commons Regulatory Reform Committee, [Proposal for the Regulatory Reform \(Registration of Births and Deaths\) \(England and Wales\) Order 2004](#), 20 December 2004, HC 118, House of Lords Delegated Powers and Regulatory Reform Committee, [Proposal for the draft Regulatory Reform \(Registration of Births and Deaths\) \(England and Wales\) Order 2004](#), 14 December 2004, HL 14

<sup>7</sup> [HC Deb 1 March 2005 c77WS](#)

## 3. Calls for change

Continued calls have been made for mothers' details to be included in marriage registration.

### 3.1 Petition

A petition on the change.org website, [Mothers' names should be on marriage certificates alongside fathers' names](#), attracted 70,473 supporters.<sup>8</sup>

Calls have been made from both within and outside of Parliament for mothers' details to be included in marriage registration.

### 3.2 EDMs

Caroline Lucas tabled Early Day Motions calling for mothers' names to be included on marriage certificates:

- on 18 May 2016 (40 signatures);<sup>9</sup>
- on 14 September 2015 (121 signatures);<sup>10</sup> and
- on 4 June 2014 (115 signatures).<sup>11</sup>

On each occasion, the signatories included Members from all the main parties.

### 3.3 Westminster Hall debate

On 8 December 2015, there was a Westminster Hall debate on marriage registration certificates.<sup>12</sup>

The Member in charge of the debate was Caroline Spelman (Conservative, Second Church Estates Commissioner). She outlined the practical problems and costs associated with simply changing the format of marriage certificates to include mothers' details:

I understand that the problem lies with the practicalities of the current system of marriage registration, which has not changed since 1837. Marriages are registered in register books, which are held in churches and other religious premises as well as in register offices. There are around 84,000 open register books in more than 30,000 churches and religious buildings. Marriage certificates are simply an exact copy of the marriage register entry, so under the current registration system changing the content of the marriage certificate would mean first changing the content of the register books. In order to do that, all 84,000 books currently in circulation would need to be replaced, at a cost of around £3 million.<sup>13</sup>

Caroline Spelman suggested a new way of registering marriages, similar to that in use for registration of civil partnerships:

If we ended up having to replace the books, few would disagree that it would not be a good use of that sum of money. There is another, more efficient way that marriages could be registered,

<sup>8</sup> Accessed 30 January 2018

<sup>9</sup> [EDM 10 of 2016-17](#)

<sup>10</sup> [EDM 446 of 2015-16](#)

<sup>11</sup> [EDM 27 of 2014-15](#)

<sup>12</sup> [HC Deb 8 December 2015 cc286-309WH](#)

<sup>13</sup> [HC Deb 8 December 2015 c286WH](#)

which is to adopt a system very similar to that which already exists in England and Wales for the registration of civil partnerships and which is already in use for the registration of marriages and civil partnerships in Scotland and Northern Ireland.

Under the alternative system, known as the schedule system, marriages are registered in a single electronic register instead of in marriage register books. Changes to the form of the register entry can be made easily without the need to replace all the register books. Instead of signing a register book at the ceremony, the newlyweds sign a document that is then returned to the register office to be entered in the existing electronic register so that a marriage certificate can be issued.

The new system, Caroline Spelman said, would require primary legislation:

Having all marriages registered online would create a central database without the need for any further administrative processes, but changing the way we register marriages requires a change to primary legislation. Depending how this debate goes, it is my intention to introduce a marriage registration Bill...<sup>14</sup>

Caroline Spelman set out how an enabling Bill might address the issue of the inclusion of mothers' names, and could enable other changes to be made in the future. She recognised, for example, that some families do not have a legally recognised mother and father, but instead have a mother and a second female parent.

Caroline Spelman also spoke of the other "significant benefits" she considered her proposals would have: they would increase the security of marriage registers; reduce the administrative burdens of registering marriages; and generate significant cost savings for central Government, local authorities, and religious groups.

Sarah Champion, then Shadow Home Office Minister, said that the debate had shown "cross-party agreement and support", but added "we need to consider how to make the legislation reflect the intention". She called on the Government to support the initiative.<sup>15</sup>

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<sup>14</sup> [HC Deb 8 December 2015 c287WH](#)

<sup>15</sup> [HC Deb 8 December 2015 cc303-6WH](#)

## 4. Government position

### 4.1 David Cameron: system should be updated

On 18 August 2014, in a speech at the Relationships Alliance Summit, the then Prime Minister, David Cameron, said that it was time the system was updated:

We're going to address another inequality in marriage too. The content of marriage registers in England and Wales has not changed since the beginning of Queen Victoria's reign. At the moment, they require details of the couples' fathers, but not their mothers. This clearly doesn't reflect modern Britain - and it's high time the system was updated.

So I have asked the Home Office is to look at how we can address this too.<sup>16</sup>

The Government has stated its willingness to reform the system of marriage registration comprehensively and to enable mothers' details to be included on marriage certificates

### 4.2 Westminster Hall debate: Government willing to remedy issue

Richard Harrington, then a junior Home Office Minister, replied for the Government in the Westminster Hall debate on marriage registration certificates on 8 December 2015. He confirmed the Government's willingness to remedy the issue:

...It is obvious to anyone that it is high time that the system was reformed, and reformed quickly. I do not think there is any dispute about that.

There is no question but that the Government want to see the issue remedied.

Richard Harrington did not think that a simple amendment of the current marriage register was necessarily the way to deal with the issue. (This was the approach proposed by a Private Member's Bill sponsored by Christina Rees in the 2015-16 Parliamentary session.) Mr Harrington spoke of the need for a comprehensive solution. This, he said, would minimise the risks associated with storage of the marriage registers:

We want a comprehensive solution with a framework for the modern digital economy, where—we hope everything will be transformed in this way—people will get a certificate quickly with all the relevant details and where there will be no need for replacement certificate stock to be sent to thousands of different churches and other institutions.

Also, the solution should minimise the public protection risk of marriage registers being held in some 30,000 different religious buildings. Every year criminal gangs steal registers and certificate stock for all sorts of different purposes, and it is time that the system was modernised for once and for all. It would cost up to £3 million simply to replace the materials. A simple solution of just filling in the empty box was suggested, but that would lead to all

<sup>16</sup> Gov.UK, [David Cameron on families](#), speech delivered on 18 August 2014 [accessed 30 January 2018]

sorts of mistakes and inaccuracies. While the suggestion is perfectly well-intentioned, I do not think it is very practical.

Richard Harrington went on to indicate the cost implications of changing the system of registration:

As the shadow Minister mentioned, we have to make the necessary IT changes with the correct resources. It is not a question of trying to save money with the new system, although once it was set up, it would probably save a lot of money and be much more efficient over the decades. Costs would be incurred. It is not just about making the system more cost-effective, although it will be over the longer term.

The Minister said that officials at the Home Office were working with key stakeholders to ensure that the needs of all different types of family were met. He asked for patience:

The serious point to make is that the Government are not simply playing with the issue in order to kick it into the long grass and say, "Well, it is one of those things." It is very serious. It is absolutely absurd that the law has not been changed before. It is absurd, whether under a Conservative, coalition or Labour Government, that it has taken from the 1830s to today to even look at the matter...<sup>17</sup>

### 4.3 Parliamentary questions: work ongoing

Subsequently, written answers to Parliamentary Questions have indicated that work on changing marriage certificates is ongoing.<sup>18</sup>

In December 2017, the then Home Office Minister, Brandon Lewis said:

The Home Office continues to work with all interested parties to develop the options that will allow mothers' names to be recorded on marriage certificates as soon as practicable.

As soon as there is an opportunity to legislate a timetable for implementation will be made available.<sup>19</sup>

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<sup>17</sup> [HC Deb 8 December 2015 cc306-309WH](#)

<sup>18</sup> See, for example, [PQ 37570 \[on Marriage certificates\], 25 May 2016](#)

<sup>19</sup> [PQ 117941 \[on Marriage Certificates\], 11 December 2017](#)

## 5. Private Members' Bills in previous Parliamentary sessions

### 5.1 2015-16 Parliamentary session

Two Private Members' Bills introduced in the 2015-16 Parliamentary session would have dealt with the issue in different ways:

- the [Marriage and Civil Partnership Registration \(Mothers' Names\) Bill 2015-16](#) was presented to Parliament by Christina Rees on 4 November 2015;<sup>20</sup>
- the [Marriage Registration Bill 2015-16](#) was presented to Parliament by Caroline Spelman on 17 December 2015.<sup>21</sup>

Neither Bill made any further progress.

### 5.2 2016-17 Parliamentary session

Edward Argar presented the [Registration of Marriage Bill 2016-17](#) to Parliament on 29 June 2016.<sup>22</sup> [Explanatory Notes](#), prepared by the Home Office, were published with the consent of Edward Argar.

The Bill had its second reading, without debate, on 13 January 2017.<sup>23</sup> It was committed to a Public Bill Committee but made no further Parliamentary progress.

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<sup>20</sup> [HC Deb 4 November 2015 c995](#)

<sup>21</sup> [HC Deb 17 December 2015 c1751](#)

<sup>22</sup> [HC Deb 29 June 2016 c342](#)

<sup>23</sup> [HC Deb 13 January 2017 c652](#)

## 6. Private Members' Bills in current Parliamentary session

### Summary

Three Private Members Bills have been introduced in the current Parliamentary session, two in the House of Commons and one in the House of Lords. Each is intended to facilitate the inclusion of mothers' details on marriage certificates (among other things). The Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill is due to have second reading on 2 February 2018. The two other Bills are in similar terms to one another. The Home Office has prepared Explanatory Notes for both the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill and the Registration of Marriage (No.2) Bill.

### 6.1 Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill 2017-19

Tim Loughton came fifth in the Private Members' Bill ballot which took place in June 2017. In July 2017, he introduced the [Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Bill 2017-19](#) (the Bill).<sup>24</sup> The Bill was published on 31 January 2018 as Bill 11 of 2017-19 and is due to have its second reading on 2 February 2018. [Explanatory Notes](#) have been prepared by the Home Office with the consent of Tim Loughton.

Information about the Bill is provided on the [Bill page on the Parliament website](#).

The long title to the Bill includes "to make provision about the registration of the names of the mother of each party to a marriage or civil partnership".

**Clause 1** of the Bill is entitled "Registration of marriages and civil partnerships". It would require the Secretary of State to "review the system of registration of marriages and civil partnerships with a view to ascertaining which changes would (whether alone or as part of wider changes) enable the provision of details relating to both parents of a party to a marriage or civil partnership in any place where details relating to only one parent are currently provided".

The Bill would also deal a number of other matters. Another Library briefing paper provides further information:

[Commons Library analysis: Civil Partnerships, Marriages and Deaths \(Registration Etc.\) Bill](#) (CPB 08217, 1 February 2018).

### 6.2 Registration of Marriage (No.2) Bill 2017-19

The [Registration of Marriage \(No.2\) Bill 2017-19](#) (the No 2 Bill) was introduced to Parliament by Dame Caroline Spelman on

<sup>24</sup> [HC Deb 19 July 2017c875](#)

14 November 2017.<sup>25</sup> It is listed for second reading on 23 February 2018.

Information about the No 2 Bill is provided on the [Bill page on the Parliament website](#). [Explanatory Notes](#), prepared by the Home Office, have been published with the consent of Dame Caroline Spelman.

The No 2 Bill is in the same terms as the Private Member's Bill introduced by Edward Argar in the 2016-17 Parliamentary session.

## The purpose of the No 2 Bill

The Explanatory Notes set out an overview of the purpose of the No2 Bill, which includes moving to an electronic register and facilitating the inclusion of mothers' details on marriage certificates:

The purpose of the Bill is to reform the way in which marriages are registered in England and Wales, moving from a paper based system to registration in an electronic register. This will facilitate change to the register entry both now and in the future, including a line for the inclusion of mother in the marriage entry and create a more secure system for the maintenance of marriage records.<sup>26</sup>

The Explanatory Notes set out why primary legislation is considered necessary:

Although changes to the content of the register entry could be made by secondary legislation (as the particulars required to be registered are prescribed in regulations under section 55(1) of the Marriage Act 1949), any change would necessitate replacement of all 84,000 marriage register books currently in use. The change to an electronic system will enable the form and content of the marriage register entry to be easily amended to include, for example, the details of both parents of the couple, without having to replace all marriage register books.

The changes will also increase the security of marriage records by removing the requirement for open marriage register books and blank certificates to be held in churches and other religious buildings, where they can be a target of theft.<sup>27</sup>

The No 2 Bill would enable the Secretary of State to make regulations to amend other legislation governing marriage registration. The regulations would be subject to the affirmative resolution procedure. The Secretary of State could sub-delegate some administrative aspects to regulations made by the Registrar General with the approval of the Secretary of State.<sup>28</sup>

The Bill would enable the introduction of a "schedule" system of registration similar to that in use for civil partnerships:

This Bill enables the introduction of a 'schedule' system for the registration of marriages in England and Wales, similar to that already in place for civil partnerships in England and Wales and for marriages and civil partnerships in Scotland and Northern Ireland. The basis of this system is that the parties sign a document (called a 'marriage schedule') instead of signing the marriage register book. The schedule is then returned to the register office for the

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<sup>25</sup> Bill 124 of 2017-19

<sup>26</sup> [Bill 124-EN paragraph 1](#)

<sup>27</sup> *Ibid*, paragraphs 2-3

<sup>28</sup> Clause 2

marriage to be registered in an electronic register maintained by the Registrar General.<sup>29</sup>

The Explanatory Notes set out how the new system would work in practice:

Under the proposed new system, instead of superintendent registrars in the district(s) of the parties' residence issuing two certificates authorising the marriage to proceed, the superintendent registrar in the district in which the marriage is to be solemnized will issue one schedule for the couple. The schedule will contain all the information to be entered into the marriage register. The marriage will not be able to proceed without a schedule being issued.

The schedule will be taken to the marriage and, following the ceremony, it will be signed by the couple, witnesses, the person officiating and the person responsible for ensuring the schedule is signed. This is in place of signing the current marriage register book.

The couple will be responsible for ensuring the signed schedule is returned to the register office to be registered in the electronic marriage register. However, for all civil marriages (and those religious marriages attended by a registrar) it is anticipated that the registrar will retain the schedule and take it back to the register office to be registered.<sup>30</sup>

A separate procedure would apply in relation to marriages in the Church of England or Church in Wales:

Those marrying in the Church of England or Church in Wales will still be able to marry by ecclesiastical preliminaries, i.e. banns, common licence or Archbishop of Canterbury's Special Licence. These preliminaries will continue to act as the authority for the marriage to proceed.

Where ecclesiastical preliminaries are used, the member of the clergy will issue a 'marriage document' similar to the schedule issued by the superintendent registrar but which does not act as the authority for the marriage to proceed. This will be taken to the marriage and signed by the couple, their witnesses and the member of the clergy. The couple will be responsible for returning the signed schedule to the register office.<sup>31</sup>

In all cases, marriage certificates could be issued by registration officials from the electronic register when the marriage is registered.

The No 2 Bill extends to England and Wales, with some provisions also extending to Scotland and Northern Ireland:

Clauses 1 and 2 of the Bill extend and apply to England and Wales only. These clauses enable regulations to make provision for the registration of marriages in England and Wales.

Clauses 3 and 4 extend and apply to England and Wales, Scotland and Northern Ireland. These clauses enable regulations to make amendments to primary and secondary legislation in consequence of the changes made to marriage registration in England and Wales. These clauses have wider extent because there will be a need to make consequential amendments to interlinking Scottish

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<sup>29</sup> [Bill 124-EN paragraph 10](#)

<sup>30</sup> [Ibid paragraphs 11-13](#)

<sup>31</sup> [Ibid paragraphs 14-15](#)

marriage legislation and to Westminster legislation (for example in the immigration sphere) that extends to the United Kingdom.<sup>32</sup>

The Government does not consider it necessary to seek legislative consent from the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly. The 'English votes for English laws' process does not affect Private Members' Bills.<sup>33</sup>

### 6.3 Registration of Marriage Bill [HL] 2017-19

Another Private Member's Bill, the [Registration of Marriage Bill \[HL\] 2017-19](#) (the Lords Bill), was introduced in the House of Lords on 29 June 2017 by the Lord Bishop of St Albans.<sup>34</sup>

This Bill is also in the same form as the Private Member's Bill introduced by Edward Argar in the 2016-17 Parliamentary session.

Information about the Lords Bill is provided on the [Bill page on the Parliament website](#), and in a Lords Library Note, [Registration of Marriage Bill \[HL\]: Briefing for Lords Stages](#).<sup>35</sup>

[Explanatory Notes](#) have also been published with this introduction:

These Explanatory Notes were originally drafted by the Home Office and published on 29 June 2016 when the Bill was introduced in the House of Commons. These Notes have been updated and republished with the consent of the Bishop of St Albans, the member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it....

Second reading of the Lords Bill took place on 26 January 2018.<sup>36</sup> The Bishop of St Albans said that it would allow mothers' names to be included when registering all marriages, not just those taking place in Church of England churches. Like the No 2 Bill, it would enable the introduction of a "schedule" system of registration similar to that in use for civil partnerships.

The Bishop drew attention to the "identical Bill" introduced in the House of Commons by Dame Caroline Spelman and said, "We are hoping that between us appropriate time will be given so that this change can be made".<sup>37</sup> He said that the Church welcomed the proposed change and had been working for many years with the Home Office and General Register Office "on the finer points of its implementation". Feedback had also been sought from the Dean of the Arches, archdeacons and diocesan registrars.

Cross party support was given in the debate.

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<sup>32</sup> Ibid paragraphs 22-23

<sup>33</sup> Ibid paragraphs 24-25

<sup>34</sup> HL Bill 19 of 2017-19

<sup>35</sup> LLN-2018-0008, 19 January 2018

<sup>36</sup> [HL Deb 26 January 2018 cc1233-50](#)

<sup>37</sup> [HL Deb 26 January 2018 c1233](#)

Home Office Minister, Baroness Williams of Trafford, replied for the Government. She said that “This is a very important issue that the Government fully support” and confirmed that moving to a schedule system would be the most cost-effective way to bring about the change.<sup>38</sup>

Baroness Williams addressed concerns which had been raised about the potential for the Bill to create a new criminal offence by way of secondary legislation. She said that the relevant provision was modelled on an existing offence in Scottish law:

My noble friend Lady Anelay and a number of noble Lords wanted clarification of the powers conferred by regulations in Clause 1(4). In a debate on a government Bill, this House recently expressed its concern about new criminal offences being created by regulations and statutory instruments. The Registration of Marriage Bill contains powers enabling the Secretary of State to amend the Marriage Act 1949 and other enactments in order to bring marriage registration in line with the process for civil partnerships in England and Wales as well as marriages and civil partnerships in Scotland and Northern Ireland. Clause 1(4) empowers the Secretary of State to amend the Marriage Act 1949 to create a specific criminal offence. This offence is modelled on an existing offence in Section 24(2)(e) of the Marriages (Scotland) Act 1977 and will be committed if a party to a marriage fails to comply with a notice requiring him or her to deliver a signed marriage schedule or document to enable the registration of the marriage. The offence would be punishable on summary conviction by a fine not exceeding level 3 on the standard scale, which is currently £1,000, as the noble Baroness said.

Baroness Williams said that it was not anticipated that the offence would be used extensively and that other registration offences would be removed or reduced:

It should be noted that for all civil marriages and religious marriages at which a registrar attends, the signed schedule will be retained by the registrar at the marriage ceremony and taken back to the register office for entry into the marriage register. This accounts for around 75% of all marriages, so it is not envisaged that the offence will be used extensively. No issues have been identified in other jurisdictions with signed schedules being returned to the register office. In fact, traditionally the best man or a family member takes responsibility for ensuring that the marriage is registered.

Although a new offence is created, it is also proposed to remove or reduce the scope of other registration offences in the Marriage Act 1949.

(...)

Although the Bill introduces a new offence at Clause 1(4), it is not considered that the introduction of this proposed new offence or the reduction or removal of existing offences will have any appreciable impact on the justice system. The Ministry of Justice has been consulted about this proposed offence and has not raised concerns to date.

The Government supports the proposed move to a Schedule system of registration and the inclusion of mothers' details

<sup>38</sup> [HL Deb 26 January 2018 c1245-6](#)

The Bill has been committed to a Committee of the Whole House. No date has been scheduled yet.

## 6.4 Parliamentary questions on the Bills

On 7 December 2017, Dame Caroline Spelman, as Second Church Estates Commissioner, answered oral Parliamentary Questions.<sup>39</sup> She referred to the Registration of Marriage Bill [HL] 2017-19 as being “identical” to her own Bill. Dame Caroline added: “I am not precious about which Bill gets to the finishing line first—we just need to do it”.

Dame Caroline also spoke of cross party support for reform on this issue and said that the Prime Minister also recognised the need to legislate:

I commend my hon. Friend the Member for Charnwood (Edward Argar) for promoting an identical Bill, as well as the hon. Member for Neath (Christina Rees)—I want to emphasise that this is a cross-party issue—who presented a previous Bill. I received a letter from the Prime Minister in April in response to one that I sent. She absolutely acknowledges the commitment made in 2014 by her predecessor to achieve this, and recognises the need for primary legislation to make sure that the details of both parents can be on the certificate.

In answer to a question from Tim Loughton, who asked whether the Church of England would support his Bill, Dame Caroline replied that she had “rolled [her] Bill” beyond the date for the consideration of Tim Loughton’s Bill “to give him an opportunity to make progress”.

Dame Caroline reiterated the Church’s support for reforming the marriage registration process:

I would like to clear up any possible misunderstanding that the Church is in any way against making this change: the reverse is true. The Church has consulted on changing the marriage registration process. It will save money through the practical reality of moving to an electronic register. The General Register Office is in favour of making the change, and there is cross-party and institutional support—let us just get it done.

In January 2018, the Government answered a Parliamentary question on the suitability to achieve legislative change of the various Private Members’ Bills introduced in the current Parliamentary session:

Asked by Layla Moran on: 24 January 2018

To ask the Secretary of State for the Home Department, whether her Department has made an assessment of the suitability of (a) the Registration of Marriage Bill [Lords], (b) the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill and (c) the Registration of Marriage (No. 2) Bill to act as legislative vehicles to allow the Government to change the law in order to allow a mother’s details to be recorded on marriage certificates; and if she will make a statement.

Answered by: Caroline Nokes on: 29 January 2018

Any change to the content of the marriage entry to include mothers’ names would ideally also bring forward reform to how marriages are registered to introduce efficiencies and create a

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<sup>39</sup> [HC Deb 7 December 2017 cc1198-1201](#)

more secure system for the maintenance of marriage records. This would require changes to primary legislation.

The Registration of Marriage Bill [Lords] and the Registration of Marriage (No 2) Bill seek to make these changes to current legislation, in particular to the Marriage Act 1949. Details relating to the Civil Partnerships, Marriages and Deaths (Registration etc) Bill have not yet been published.<sup>40</sup>

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<sup>40</sup> [PQ 124619 \[on Marriage Certificates\], 29 January 2018](#)

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