

How to respond to “Civil Registration: Delivering Vital Change”

The government is consulting on proposals to scrap marriage certificates, scrap the legal content of marriage declarations and permit novelty and fantasy weddings. It also wants to phase out birth certificates and death certificates.

The consultation ends on 24 October. This short paper shows how you can respond and gives some suggestions for what you might say.

➡ ➡ See page 3 for tips for writing. ➡ ➡

Please consider submitting your own response to the consultation before the end of Friday 24 October.

NB: The proposals apply to England and Wales only.

Undermining the dignity and sanctity of marriage

- **Marriage certificates:** The Government plans to ‘phase out’ marriage certificates.¹ Instead, marriages will be logged on to a computer database. The same goes for births and deaths.

The Government says, whilst it may be possible to print documents from the database for “commemorative” purposes, these would have no legal or evidential value.²

Marriage certificates have deep personal significance for many married couples. They remind them of the promises that they made to one another. The proposal to scrap marriage certificates and replace them with an entry on a national computer de-personalises the institution of marriage. It is cold, clinical and undermines the dignity, integrity and status of marriage.

- **The venue:** The changes would mean weddings could happen in any public place. This could allow novelty weddings (in a swimming pool, for example) which would undermine the dignity of marriage.

Currently the law in England and Wales preserves an element of dignity in the location of the ceremony. Though marriages can be held in hotels, under the present law every location has to be specially licensed.³

The Government proposes to abolish this system.⁴ Instead, individuals (called ‘celebrants’) will be appointed to perform marriages wherever the couples want.⁵ This could legalise the kind of weddings for which Las Vegas is infamous, such as jumping out of aeroplanes or in hot air balloons. Is this appropriate for an institution that should not be entered into “lightly” but “reverently” and “soberly”?⁶

- **The wording:** Currently a marriage is only valid if bride and groom during the ceremony repeat certain ‘prescribed words’ laid down by law.⁷ The Government proposes to abolish this, requiring only that the couple “make a declaration... that they accept each other as husband and wife”.⁸ The obligation to use the

prescribed words can hardly be described as onerous. Scrapping them altogether and allowing the couple and the celebrant to agree their own words will contribute to the trivialisation of marriage.

- **Recording of sex:** The sex of bride and groom would no longer be recorded.⁹ The law of England and Wales explicitly recognises marriage as the union of “one man and one woman”.¹⁰ The Government has already published a draft “Gender Recognition Bill”. Under this proposal the sex on a birth certificate can be retrospectively changed.¹¹ Men will be able to get an official record declaring they were born female and vice versa. This bill will make it legal for two people of the same biological sex to marry.

When it comes to this proposal in this consultation, there is no logical reason to stop recording the sex other than paving the way for two people of the same biological sex to marry which will be legalised at a later stage under separate Government legislation. This particular proposal on civil registration, whilst not legalising transsexual marriage, is part of an approach which regards the *biological* sex of parties to marriage as irrelevant.¹²

- **Religious freedom:** It could become more difficult for independent churches to gain authorisation to conduct marriages.

Under the proposed new system church buildings would no longer be registered for weddings. Instead, religious ‘celebrants’ would be appointed by “the denomination to which they belonged”.¹³ For churches that are part of a denomination, this may present no problem. But it does raise a question over whether a small independent church would qualify to appoint religious celebrants.

Even if they do, they may be burdened with significant extra responsibilities and bureaucratic burdens.¹⁴

- **Freedom of conscience for registrars:** Currently registrars have certain freedoms because they are ‘office-holders’ rather than employees. They can only be sacked by the Registrar General. The new proposal is to make them employees of the local authority.¹⁵ This will make them easier to dismiss.

The Government’s plan to allow transsexuals to change their birth certificates means a registrar could be asked to marry two people who are really of the same sex. Many Christian registrars would want to refuse. If they do so, will the local authority dismiss them?

It is well known that some local authorities are very politically correct. Staff with traditional religious or moral views can be placed under enormous pressure. Only recently two Christian social workers were pushed out of their jobs with a local authority for refusing to take part in homosexual adoption.

The proposals to change the status of registrars represent a significant threat to their freedom of conscience.

Tips for writing

The consultation paper does not ask any questions that relate directly to our concerns. It merely asks technical questions relating to the use of ministerial order-making powers. (All these radical proposals are to be implemented by order of a Government minister, not an Act of Parliament.)

We are asking people to use the consultation to send an email (or a letter) raising the issues of principle and opposing certain major aspects of the proposals.

You may wish to include some of the following in your response. (Please use your own words. Use language which is moderate but firm.)

- If you are a church minister or the “authorised person” for marriage ceremonies in your church, please say so. This will add weight to your submission.
- Say you object to phasing out birth, death and marriage certificates. Being able to hold on to official records can have great meaning to people, much more than an entry on a database. Those who possess these certificates possess a part of their family history. Under the proposals, only the state will possess that history.
- Many people treasure marriage certificates in particular. They help them come to terms with being married. They have deep personal significance to the couple and remind them of their marriage promises. Scrapping marriage certificates will de-personalise marriage and undermine its dignity, integrity and status.
- Say you are concerned that the plans to allow ‘celebrants’ to conduct marriages anywhere will undermine the dignity of the marriage ceremony. Ask what is to stop this turning weddings into novelty or fantasy-style events.
- The consultation document proposes dropping the requirement to record the sex of parties to a marriage without explaining why. Ask if this is intended to pave the way to transsexual marriage. Say you oppose this.
- Say it is unclear whether independent churches will be allowed to appoint their own celebrants. Even if they are, the bureaucratic burdens may be too great for a small church to cope with.
- Point out the threat to freedom of conscience for registrars if they become local authority employees. If other Government proposals in the Gender Recognition Bill go ahead, they may be asked to marry a transsexual person to someone of the same biological sex. This would be a gross and flagrant breach of conscience for all registrars who hold that marriage is the union of one biological man and one biological woman. Would the local authority be able to sack a registrar for refusing to conduct such a marriage?

How to get hold of the Government consultation paper

The consultation paper, *Civil Registration: Delivering Vital Change*, can be downloaded from: <http://www.statistics.gov.uk/registration/whitepaper/default.asp>

You can obtain a print copy of the consultation paper from the address below. However, it is unlikely to arrive before the consultation closing date of 24 October.

Please note: you do not have to see the consultation paper to respond. We hope this briefing contains enough to enable you to make an informed contribution.

How to respond to the consultation

You may send your response by email, fax or post to:

Lorraine Cole Civil Registration Review Consultation Room 126 General Register Office Smedley Hydro Trafalgar Road Southport PR8 2HH	E-mail: registration.review@ons.gov.uk Fax: 01633 652 953
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Responses must be received before close of business on Friday 24 October.

**The Christian Institute, PO Box 1, Newcastle upon Tyne, NE7 7EF
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Endnotes:

Unless otherwise stated, references are to the consultation document Civil Registration: Delivering Vital Change, General Register Office, 2003.

¹ Para. 6.4.22, Paras 6.4.39 - 41, Para. 6.4.15. See also Chapter 5.

² Para. 6.4.43

³ This means buildings of the Church of England or the Church in Wales, "registered buildings" (registered for the purpose of religious marriage), register offices, "approved premises" (approved for civil marriage by the local authority) and military chapels. For historic reasons Jewish and Quaker weddings do not have to comply with this requirement. In certain circumstances marriages can take place in the residence of someone who is housebound, terminally ill or detained. See, Paras 3.4.1 - 3

⁴ See Para. 3.4.25.

⁵ The Government says "It is likely that registration authorities would develop a local policy on when and where civil marriages could take place" - Para. 3.4.27. Civil ceremonies would be subject to a code of practice - Para. 3.4.28. This would not have the status of law and could easily change. Religious groups would regulate themselves - Para. 3.4.30

⁶ Book of Common Prayer, Oxford University Press, *The Form of Solemnization of Matrimony*, p. 352

⁷ This does not apply to Jewish and Quaker weddings. See Para. 3.4.67

⁸ Para. 3.4.74. See Para. 3.7.86 for the Church of England

⁹ Para. 3.4.112. Compare with Para. 3.4.93

¹⁰ *Hyde v Hyde and Woodmansee* [1866] LR 1 PD 130

¹¹ <http://www.lcd.gov.uk/constitution/transsex/110703statement.htm> as at 17 October 2003

¹² A transsexual is someone who has had, or wants to have, a sex change operation.

¹³ Para. 3.4.26. Elsewhere the consultation paper refers to "belonging to a group or denomination that could be said to be a religious body" - see Para. 3.4.29

¹⁴ See Para. 3.4.30, 3.4.33 and 3.4.37

¹⁵ Para. 10.1.6