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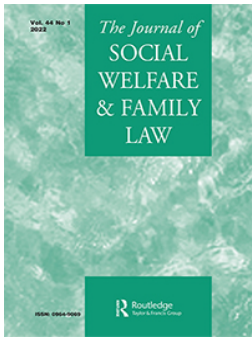
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Trying to get a piece of paper from City Hall? The availability, accessibility, and administration of the register office wedding

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ABSTRACT

In principle, it is possible for a couple to get married in a register office in England or Wales for £127 (including the cost of giving notice and a certificate). In this article, we draw on empirical research to show how limited this option is in practice. Its availability is constrained by the scarcity of register offices limited slots for weddings, and the addition of other fees not provided for in the regulations. Its accessibility is often not obvious from local authorities' websites, and the administration of such a wedding varies hugely, with some local authorities treating it as a no-frills legal procedure, and others regarding it as a significant ceremony that is incomplete without music or a reflective introductory speech by the superintendent registrar – even if the couple wanted neither. With significant numbers of couples having a register office wedding because the marriage ceremony they choose to have to reflect their beliefs is not legally binding, there is a need to address these issues of availability, accessibility and administration so that couples are not put off or discriminated against. Further research is also needed to explore how these issues impact those with limited means.

KEYWORDS

weddings; statutory ceremony; register office; registration officers

Introduction

Getting legally married in England or Wales can, in principle, be done very simply and cheaply. Ever since 1837 it has been possible for an opposite-sex couple to be married by exchanging certain prescribed words in a register office, for a set fee, and same-sex couples have had the same right since 2014. Those prescribed words are minimal,¹ the fee for the ceremony itself is set at £46, and the total cost of the process should be a relatively modest £127.² However, whether that is currently an option in practice is another matter. Research by Pywell (2020a, 2020b) has demonstrated that the availability of the £46 ceremony is highly variable. While every local authority is required to make

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Title adapted from Joni Mitchell's song 'My Old Man' (1971): 'We don't need no piece of paper from the city hall, keeping us tied and true'.

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such a ceremony available, there is no requirement for availability on any given day, or at every council-owned venue, and there are various factors that may push the cost beyond £127. In addition, there are no specific requirements as to how (or indeed whether) it is advertised, which means that couples may have difficulty in finding out that this option even exists.

In this article we build on Pywell's findings and draw on new research to analyse the availability, accessibility, and administration of the £46 ceremony. We begin by setting out why – and to whom – this matters. After explaining our methods of data collection, we will then show how the availability of statutory ceremonies is constrained by the scarcity of register offices and their limited slots for weddings, and by the addition of fees not provided for in the regulations. Moreover, the difficulty in finding out that this option actually exists means that many *believe* that they have married for the lowest possible cost even if they had paid far more than the fees set by regulations. The experience of marrying in a register office also varies considerably, with some local authorities treating it as an administrative exercise and others according it a degree of ceremony; whether either of these approaches meets the needs and wishes of the couples is purely a matter of chance. We conclude by reflecting upon the implications of our findings for future reforms of the law of marriage.

Who wants a piece of paper?

Much has been written about the rise of the wedding as something separate and distinct from getting married (Boden 2001, Miles *et al.* 2015, Carter 2021). Research into couples who are cohabiting suggests that many would prefer to save up for a wedding rather than going to the register office and getting married for the lowest possible cost (Eekelaar and Maclean 2004, Barlow *et al.* 2005).

However, a growing number of couples are choosing to have a legal wedding before or after a non-legally binding ceremony. These couples may have had, or be planning to have, a ceremony that the law does not yet recognise as valid in itself, such as those conducted by Humanist or independent celebrants (Pywell 2020c, Sandberg 2021). Alternatively, they may have had, or be planning to have, a religious ceremony not conducted according to the requirements of the Marriage Act 1949 (Akhtar *et al.* 2020). For such couples, potential barriers to having a simple and inexpensive legal wedding in addition to their non-legally binding ceremony assume considerable importance, albeit for different reasons.

The implications for couples who might want an additional Humanist ceremony – that is to say, a ceremony that reflects Humanist beliefs³ – were specifically considered in 2018 by the All-Party Parliamentary Humanist Group. Having analysed the availability of the £46 wedding, its conclusions were two-fold. First, any barriers to having a £46 wedding bore particularly harshly on Humanist couples because they did not have the option of getting married in a ceremony that was both legally recognised and reflected their beliefs, and so had to have separate ceremonies for these purposes. Second, the fact that in some areas the minimum cost of having a legal wedding was considerably more than £46 might deter couples from having an additional Humanist ceremony at all: as it noted, 'thinking they must pay £254 for their legal registration on top is quite possibly going to put them off' (All-Party Parliamentary Humanist Group 2018, p. 56). In its view

these barriers were part of a ‘pattern of increased challenges for couples wanting a humanist ceremony’ which indicated discrimination against such couples and reinforced the need for reform (ibid, 57).

The necessity of Humanist couples having a separate civil wedding was also the subject of legal challenge in *R (ota Harrison) v Secretary of State for Justice* [2020] EWHC 2096 (Admin). In holding that Humanist couples were treated differently from religious couples in this respect, Eady J noted that the additional costs involved ‘also represent differences of treatment between the Claimants and their comparators that are more than *de minimis*’ (para 94). Limitations on the availability of the statutory ceremony will increase the likelihood of individuals having to pay more in order to have a separate civil ceremony, magnifying those differences of treatment.

The increasing number of non-legally binding ceremonies led by independent celebrants is also beginning to attract attention. Pywell (2020c, 2020d) estimated that there were 9,000–10,000 such ceremonies in 2019. Like those who have a Humanist ceremony, any couple who has a ceremony led by an independent celebrant will need to have a separate legal wedding if they want to be legally married.

Whether all religious couples have a realistic option of getting married in a ceremony that is both legally recognised and reflects their beliefs is also open to question. Those who belong to smaller or more geographically dispersed religious groups may not have access to a place of worship that is registered for weddings. Members of groups that have only a few buildings registered for marriage across England and Wales may not regard it as practicable for them and their guests to travel to those buildings for a wedding. And for many non-Christians in particular, the prescribed words that have to be included in a wedding in a registered place of worship are seen as a civil ceremony and an intrusion on their religious rites. Unsurprisingly, then, many couples opt for a civil wedding and a separate religious ceremony (Probert, Akhtar and Blake, 2022).

Some couples will have had a religious ceremony that was not conducted according to the requirements of the Marriage Act 1949 without having a separate civil wedding.⁴ Ceremonies that comply with *none* of the requirements for a legal marriage are classified as ‘non-qualifying ceremonies’ that confer no legal rights.⁵ Policy-makers have expressed concerns about the non-qualifying ceremonies within Muslim communities (MHCLG 2018, Casey 2016, Home Office 2018), and research confirms that Muslim couples are more likely than those of other faiths to have a religious-only ceremony without an accompanying legal wedding (Probert, Akhtar and Blake, 2022). Of course, such non-compliance does not necessarily reflect a settled decision to opt out of a legal marriage. As Akhtar has discussed, for many religiously observant Muslims a *nikah* is a prerequisite to any kind of intimacy and it is unrealistic to expect them to make legally binding commitments so early in their relationships. Nonetheless, her research also shows how couples may not treat the legal wedding as a priority once they regard themselves as married as a result of the *nikah* (Akhtar 2015, 2018). The standard – if misleading – narrative is that the legal wedding is merely a means of ‘registering’ their marriage. For these couples, then, the issue is not so much the necessity of having a separate civil wedding, but the risk that the cost and complexity of doing so will discourage them from becoming legally married.

All of these issues have only been exacerbated by the restrictions imposed by COVID-19. While these prevented many couples from getting married legally (Probert and Pywell 2021), many still had a non-legally binding ceremony and are now waiting for a slot to become available to have their legal wedding (Akhtar and Probert 2021).

For all of these couples, the availability, accessibility, and administration of the register office ceremony will be of considerable importance.

Materials and methods

In order to analyse the different aspects of the register office ceremony, we draw on three sets of data.

The first consists of responses to a survey, conducted in 2017, asking couples about their intended civil weddings. Questionnaires were distributed to 300 couples who had given notice at one of 15 register offices, and a link to the survey was also circulated on social media, yielding a total of 108 responses (Pywell and Probert 2018). Respondents were asked whether they had wanted to marry in ‘a minimal ceremony’ involving only themselves, the registrars and two witnesses, ‘for the lowest possible cost’. The 13 (12%) who answered ‘yes’ to this question were asked further questions about how easy it had been to access information about this option, and what they had actually paid.

The second is a detailed review of the information available on the websites of 75 different registration districts (each coterminous with a local authority area) across England and Wales, initially carried out at the end of 2019.⁶ To the 20% sample of English counties, London boroughs, Metropolitan boroughs, and English and Welsh unitary authorities⁷ analysed by Pywell (2020a, 2020b) has been added analysis of the remaining English counties, whose larger physical size may compound issues of availability. Our analysis here focuses on why differences in availability exist, how easy the information was to find, and how the ceremony was described.

The third is drawn from Nuffield-funded research into non-legally binding wedding ceremonies conducted between September 2020 and April 2021.⁸ As part of this, we conducted 11 focus groups and 19 individual or joint interviews with those who had been involved in conducting or officiating at non-legally binding weddings ($n = 82$ individuals), a number of whom made observations on the perceived ease or difficulty of engaging with the legal processes. We also conducted 83 interviews with individuals or couples who had had a non-legally binding ceremony in England or Wales between 2010 and 2020; of these, 67 had also had a legal wedding⁹ and were asked how easy or difficult it had been to find out what they needed to do, and which ceremony had been more meaningful to them. While this study was not designed with the aim of investigating the specific experience of getting married in a register office, the evidence provided by participants not only reinforced the findings from the earlier survey and review but also illustrated why statutory ceremonies mattered, and to whom. Overall, three-fifths (41) of those who had a legal wedding described it as taking place in a register office or town hall; many, however, also provided additional details that established that this is not how the law would categorise it.¹⁰

Availability

The availability of the £127 option is affected by three factors: first, the massive diminution in the number of register offices, which means there are fewer venues that have to offer a £46 ceremony; second, the limited days and times when it is possible to get married in a register office; and, third, the addition of other fees not provided for in the regulations, which means that many couples will be paying considerably more than £127 to marry in a register office.

The diminution in the number of register offices

In 1997, 87% of civil wedding ceremonies were conducted in register offices. By 2017 the equivalent figure was just 8% (ONS, 2020). The remainder took place on approved premises. The option of having a civil wedding on approved premises was introduced by the Marriage Act 1994, and since then many hotels, stately homes and other venues have been approved. However, some weddings that are formally classified as being on approved premises will in fact be celebrated in the room that used to be the register office, or in the same building as the register office.¹¹ Indeed, the very first place to be registered as approved premises under the 1994 Act was council-owned (Haskey 1998).

There is a strong financial incentive for local authorities to reclassify their register offices as approved premises. A wedding in a register office has to be a statutory ceremony and the fee is set by regulations. As noted above, the current ceremony fee is just £46. A wedding on approved premises is subject to no such restriction, with local authorities themselves setting the fees on a cost-recovery basis (Local Government Act 2003, s 93(3)). To take just one example of the difference that this makes financially, getting married in what used to be Coventry register office on a Saturday morning now costs £430 for the ceremony alone.¹²

The scale on which such reclassification has occurred is quite startling. Each local authority is under a statutory obligation to provide a 'register office' in which statutory ceremonies can be conducted, and its location has to be approved by the Registrar General (Registration Service Act 1953, s 10). But a local authority may encompass an entire county. Counties that now have just one register office at which the £46 ceremony is available include Buckinghamshire, Cambridgeshire, Cornwall, Cumbria, Derbyshire, Dorset, Essex, Herefordshire, Nottinghamshire, Oxfordshire, Staffordshire, Suffolk, Wiltshire, and Worcestershire. Couples in these counties may therefore have to travel some distance to marry in a register office.

The extent of this reclassification of register offices may not have been widely appreciated, given the confusing and inconsistent use of terminology by different local authorities. For example, a number of former *register* offices that are now approved premises have been renamed *registration* offices. The subtlety of the linguistic shift disguises the significance of the change that has occurred. Other local authorities use the term 'register office' in a less technical way. East Sussex's weddings brochure lists Crowborough, Eastbourne, Southover and Hastings as 'Register Offices', but Eastbourne Town Hall, Southover Grange and Hastings Town Hall are all approved premises offering no £46 ceremony.¹³ Hampshire's wedding brochure similarly describes no

fewer than nine register offices, but eight of them are approved premises.¹⁴ And other local authorities use ‘register office’ and ‘registration office’ interchangeably, depending on the context.¹⁵

Even more confusingly, the same building may contain both a register office *and* approved premises. There are approved premises in register offices, and register offices in approved premises. For example, the webpage inviting couples to ‘Book a ceremony at Birmingham Register Office’ sets out the option of a wedding in its ‘ceremony suite’ alongside the obligatory statutory ceremony, but the only hint that the three rooms within the suite are approved premises is that the cost of getting married there starts at £210 rather than £46. Other local authorities label *all* of their offices as registration offices,¹⁶ but provide a room to serve as the register office. Leicestershire is at least refreshingly upfront about why and how it is complying with its legal obligations:

By law, we must have at least one room in the county where legal ceremonies can be performed . . . at the price of £46 . . . this designated room is known as the Register Office. Our Register Office is located within Glenfield Registration Office.¹⁷

The significance of this confusing and inconsistent terminology is twofold. First, while the fact that a register office has become approved premises does not *require* the imposition of higher charges, and although some former register offices continue to offer a £46 ceremony,¹⁸ most do not. Second, the terminology may lead couples into believing that they are getting married in a register office for the lowest possible fee when in fact they are marrying on approved premises.

The latter consequence was very evident in the responses of our interviewees. As noted above, what they described as a register office wedding had often taken place on approved premises, and they had paid considerably more than £46 for the ceremony. For example, 004A (female, 44, went on to have an outdoor Pagan ceremony) explicitly said that she had gone ‘for the cheapest option’; however, her description of this as ‘a really nice Registry Office with a rose garden’ raised suspicions and on further investigation, the fee for this (approved) venue was £110. An even more striking example was that of 067 (female, 37, went on to have a Humanist ceremony), who described getting married at 11am on a Friday morning in a ‘basic’ register office wedding; while she could not remember the exact cost, she thought it was in the region of £400, and this was confirmed by checking the fee pages for the county where the wedding had taken place.¹⁹

The restricted days and times when it is possible to marry in a register office

The fact that a particular building – or room – has been designated as a register office does not necessarily mean that it is always available for statutory ceremonies. The review of local authority websites identified significant variations in the days and times when such ceremonies are available. In East Sussex, for example, statutory ceremonies were available only on the second Tuesday of every month.²⁰ Many others only provided such ceremonies at limited times on a single weekday, although such provision varied from Bradford and Keighley’s multiple slots (Mondays 9.45–noon, and 2.15–3.45 pm) to Kensington and Chelsea’s single slot (Mondays 9.15 am only). A number offered statutory ceremonies on different weekdays, but again, provision varied hugely. Some offered them at limited times on a couple of days.²¹ Others made them available on different days

at different places.²² Relatively few offered statutory ceremonies on *all* weekdays, and only two – Newcastle-upon-Tyne and South Tyneside – gave the option of a ceremony on a Saturday.²³

These limitations were the subject of comment by a number of our focus group participants, with the Humanist and independent celebrants being particularly aware of the issue. One Humanist celebrant, G-175, noted that there was ‘clearly a lot of pressure to persuade people to have full ceremonies at the register office or whatever it is rather than the cheapo £50 at 9 o’clock on a Tuesday morning’. For those getting married, the limited availability of slots at the register office made co-ordinating the different ceremonies more difficult and generally resulted in the ceremonies taking place on different days. This created both practical and conceptual difficulties. 015 (female, 25) spoke of the practical difficulties in having the two ceremonies in different parts of the country, noting that they had had to travel ‘to do the civil ceremony because that’s just the only place that could do a slot’. As she added, since they were only open on certain days of the week, ‘it was just quite hard to actually fit that in with everything else going on’. 024 (female, 34), meanwhile found splitting the ‘wedding’ and ‘getting married’ something of a challenge conceptually:

I think for both me and my husband, we did have to spend a bit of time coming to terms with the idea that because we didn’t want a civil ceremony on our wedding day, we would have to get married on a different day than our wedding. And I think we both had to work through that. And there was a bit of cognitive dissonance there sometimes of kind of, “that’s good. That’s what we want really, isn’t it?” And I think that was sad for us both.

The imposition of additional fees

Even if a £46 ceremony is available, it is not necessarily possible to get married for no more than £127. A number of areas impose fees beyond those set by statute, inflating the overall cost (Pywell 2020a). So, while the cost of giving notice is set at £35 per UK citizen, some authorities add on a fee, variously justifying it as an ‘administrative’, ‘advice’ or ‘booking’ fee.²⁴ Similarly, while local authorities cannot charge more than £46 for the ceremony itself, a much greater number require a booking fee to reserve a date for the ceremony, and a further fee to amend the date if the plans of the couple change.²⁵ While most of the booking fees varied between £27 and £45, some were significantly higher. Birmingham, for example, charged a booking fee of £66, or £132 if the ceremony was being booked more than 12 months in advance,²⁶ while in Barking and Dagenham the ‘ceremony booking fee’ that was charged to ‘secure the date and time’ of the ceremony was £120.²⁷ Finally, while the cost of a certificate is set at £11, quoting a price for a minimal ceremony that includes more than one certificate provides another way of inflating the overall cost. In East Sussex, for example, the cheapest ceremony was £74, which included ‘two statutory certificates and one commemorative certificate’.²⁸

Of the 13 respondents to the 2017 survey who had stated that they wanted to marry ‘for the lowest possible cost’, only three reported paying a sum that bore any relation to the statutory fee for the ceremony.²⁹ Six reported paying more than the minimum³⁰: those who reported sums of £120 and £125 may have been including the fee for giving notice, but the other four reported paying sums between £150 and £280. Four of them

may, however, have married for what was the lowest fee in their area, since they reported that, in addition to the notice fees, ceremony fee and certificate costs, they had had to pay a non-refundable booking fee or deposit: two could not remember the amount, one reported paying £25 and another had paid £100 in addition to a reported ceremony fee of £148. While these data came from a small sample, and some could have been inaccurate due to errors of recollection or reporting, they are consistent with the finding by Pywell (2020a) that, if her sample was representative, couples in about one third of local authority areas in England and Wales cannot marry for the £127 that the law prescribes.

Accessibility

Even if the £127 package is available in principle, it may not be accessible in practice. In this section we explore the ease of finding out about the option in the first place. Here the findings from the 2017 survey of couples are particularly concerning. It asked those who had indicated they wanted to marry for the lowest possible cost how easy it had been for them to obtain information about such a ceremony. Seven reported that it had been ‘very easy’, three that it had been ‘quite easy’, and the final three each selected one of ‘neither easy nor difficult’, ‘quite difficult’ and ‘very difficult’. The last vented their frustration in response to a question about how they had found out about the option:

Used the internet to research costs. I think we looked at the local authority sites for two local authorities near to us. Each venue was listed separately and there was a massive difference in price, but nowhere to filter by cost. It was an arduous process of going into each venue page and looking.

The fact that most reported that it had been easy or very easy to find out about the option might suggest that this particular couple was unlucky. However, it is highly significant that they were one of only two couples who only paid £46 for their ceremony. At the other end of the scale, the couple who reported paying the highest fee (£280) said that they had googled the costs, but had presumably not been as assiduous in checking the cost of different options. One reported that they had abandoned their initial plan to have a minimal ceremony as ‘it was too confusing’, and therefore ‘easier and less stressful to have a “normal” one’. And three of those who reported that it had been ‘very easy’ to find out about marrying for the lowest possible cost had in fact paid £148, £166 and £200 respectively: even if these figures included the cost of giving notice, they were higher than they should have been. All had derived their information from the local authority: the first two from the website and the last, even more worryingly, ‘by word of mouth at the register office’. The answers to this particular question thus illustrate the perseverance necessary to find the information – and show how easy it is for couples to *believe* that they have married for the lowest possible cost even if they had paid far more than the fees set by regulations.

The review of the websites of local authorities also revealed significant variations in how easy it was to find the information about the £127 option. Shropshire provided an all-too-rare example of good practice in terms of the accessibility of the information. The £46 ceremony

was listed first, and couples were unambiguously advised that '[t]his type of ceremony provides the cheapest possible way in which to be legally married'.³¹ Hertfordshire, too, was exemplary in making clear what the fee is, and what the ceremony entails.³²

By contrast, a number of websites made no mention of the £46 ceremony on the page setting out the options for getting married, and no information about the form of ceremony on the page setting out the fees. Cumbria, for example, offered 'bespoke' and 'traditional' ceremonies under the heading 'Choosing your ceremony'³³; its separate list of fees and charges included a clickable heading 'Statutory Register Office fees', where the £46 option could be found, but with no information about what this entailed.³⁴ Buckinghamshire similarly had a page entitled 'Choose My Package': four options are listed, the cheapest being its 'Emerald Package' for £225, which consists of 'an intimate ceremony which lasts around 20 minutes and allows up to 10 guests including two witnesses'.³⁵ A fifth, 'Pearl', option is listed only on its 'Fees' page with the stark and uninformative 'Tuesday fixed times at Buckinghamshire Register Office only'³⁶; the stated cost of £68 presumably includes two certificates at £11, whether couples want them or not.

Finally, a number of websites mention no £46 option at all. The minimum fee stated for a wedding in one of Cambridgeshire's 'Council ceremony rooms' is £245.³⁷ Central Bedfordshire lists fees of £216 to £394 under a heading 'Fees for our registry office ceremonies',³⁸ while Windsor and Maidenhead offers ceremonies in 'the Maidenhead Ceremony Room' for £258–£608, with a certificate costing a further £11.³⁹ Although these local authorities are legally bound to offer a £46 option, it is not clear how couples would learn of its existence.

Among those involved in conducting non-legally binding ceremonies, the Humanist and independent celebrants were particularly conscious of the challenges that couples had faced in accessing information about the £46 option. I-94, an independent celebrant, commented that the register office 'keeps their basic service pretty quiet', adding that 'they absolutely don't want you to know that that's a service which is available so that you can do a minimum cost Registry wedding and then have something nice'. In the graphic metaphor used by G-173, a Humanist celebrant, 'usually, it's a bit hidden behind a door that says, "Beware of the Leopard!"' Their comments also confirmed our findings about the way in which information was presented on local authority websites. G-171, another Humanist celebrant, commented that the statutory ceremony 'is usually either on a different page or way, way down', while two independent celebrants, F-164 and F-163, gave examples of local authority officials expressly telling couples that the £46 ceremony did not exist.

Administration

From the review of local authorities' websites, we identified three distinct but overlapping themes that were relevant to the way in which the £46 ceremony was administered. The first was how the ceremony was described: whether it was presented as a ceremony or as a purely administrative process. The second was the location of the ceremony: whether it was in an office or a ceremony room. And the third was the size of the ceremony and whether guests were limited to the two witnesses required by law.

In this section, we analyse the extent to which these different approaches met with the expectations and wishes of the individuals that we interviewed. Before doing so, however, we should sound a note of caution about this sample. The focus of the Nuffield project

means that interviewees are unlikely to be representative of all couples getting married in a register office. That said, our data do indicate how a range of participants have experienced the process. Moreover, when all of the different groups that might be having a non-legally binding ceremony in addition to their register office ceremony are taken into account, their numbers are certainly not negligible, and it is important to understand what they are seeking from the legal ceremony.

A ceremony or an administrative process?

There was considerable variation in the way that the statutory ceremony was presented by different local authorities. Some local authorities made it clear that this *is* a ceremony, even if a ‘less formal’ one.⁴⁰ Many others, however, presented the £46 ceremony as a purely administrative process, using the language of ‘statutory registration’⁴¹ or ‘administration’.⁴² Gloucestershire did at least describe its £46 offering as ‘an occasion where you can make your legal commitment to each other’, but implied that there is no ceremonial element by telling the couple ‘you would not make ring vows or have music or readings’. And Northumberland bluntly referred to ‘Registration only ... (no ceremony)’.⁴³

Of course, the suggestion that there is ‘no ceremony’ belies the fact that completing the legal requirements does require as a minimum that the couple must say the words prescribed by law. Yet for many of our interviewees, the civil ceremony *was* conceptualised as a purely administrative process. It was just something that they needed to do, a ‘formality’,⁴⁴ a ‘tick-box exercise’,⁴⁵ ‘an official procedural thing’,⁴⁶ or just ‘crossing the t’s [and] dotting the i’s’.⁴⁷ Indeed, the most commonly occurring word in their accounts was ‘paper’, with the register office wedding being just ‘paperwork’ or just a ‘piece of paper’. As 005 (female, 34) explained:

I didn’t want to say any vows, I didn’t want to get dressed up. It was literally just going and signing the papers, because I wanted all the emphasis to be on the religious ceremony, which we did the next day.

In some cases, then, a pared-down statutory ceremony may be exactly what the couple want and get. But for some of our interviewees there was rather more ceremony than they had been expecting. 062 (female, 30), whose allusion to having gone with ‘the lowest tariff of a statutory ceremony’ suggested that she was one of the few who did actually marry for £46, had expected that ‘we’d go into a room, we’d say a few words that we’re told to say, and we’d sign a couple of documents’. However, as she went on to relate:

when we got there, we realised, ‘Oh, no, this is actually a ceremony’. They are having us stand and face each other and hold hands [*laughs*]. And we both felt ridiculous because we were under-prepared. ... Because it felt like it had been made to sound like it would be quite a clinical legal process ... My parents thought it was really nice. But we were just a bit like ... yeah, we just didn’t expect it.

This was not a unique experience. Other interviewees reported registration officers being surprised by the fact that they had not chosen music or readings. In some of these cases, the registration officers had made their own choices as to what should be included. 024 (female, 34) reported that ‘they sort of shoehorned in Pachelbel’s Canon’, 026 (female,

33) commented that ‘we said we didn’t want a reading, but we still had a reading because they felt like that was what was needed’, and 078 (female, 36) noted that the registrars had ‘insisted on playing music at the entrance and giving a little speech about love and marriage and relationships’.

These interviewees tended to regard such additions as impositions rather than enhancements. 026, for example, commented that ‘[w]e just didn’t need the formality that they were trying to impose upon it’, while 078 reported that ‘we were there thinking we really don’t want this and trying not to laugh about it as they tried to take it very seriously’. While 063 (female, 29) was more positive about the registrar’s choice of a poem – describing it as ‘quite nice and a bit of a surprise’ – it is clear that what individuals regard as suitable is very much a matter of personal taste.

The location of the ceremony

As noted above, most of the more attractive former register offices have been reclassified as approved premises. Only a few local authorities advertise that they have attractive rooms that are available for a statutory ceremony.⁴⁸ More often, the space that constitutes the register office is limited to a literal office, and a number of local authorities seem to be going out of their way to make the £46 ceremony appear as unattractive as possible by their descriptions of the room. Many websites emphasise that the register office is a ‘working office’.⁴⁹ Others include photos that were, to put it charitably, not of the kind that one would use in a marketing campaign.

Of course, for some the venue will be unimportant. 039 (female, 40), who had gone to the register office before having a Humanist ceremony on the beach, seemed baffled by the options on offer for the legal wedding:

they were like, ‘What kind of room do you want? Do you want this big, grand room for, like, sixty people?’ and I was like, ‘No. Just the smallest room you’ve got. I literally just want to walk in and sign the papers. Why is this such a massive thing?’

Similarly, 042 (female, 26), who had had a Sikh wedding and had booked a register office wedding, cheerfully admitted that ‘We don’t really care where it is, to be honest’. She did, however, suggest that many of her peers had felt under pressure to ‘have the big white dress and spend all that money all over again’ because they ‘don’t want to get married in a back office in jeans or anything like that’.

Guests

A final variable in how the statutory ceremony was administered was in terms of the number of guests who were permitted to attend. The statutory ceremony is often dubbed a ‘2 + 2’ ceremony to reflect the fact that only the couple and two witnesses attend in addition to the superintendent registrar and registrar.⁵⁰ This is the legal minimum required for a wedding to take place under the Marriage Act 1949, not a legal maximum for a statutory ceremony. Moreover, given that a wedding in the office of the superintendent registrar must be celebrated with ‘open doors’ (Marriage Act 1949, s 45(1)), it is difficult to see how registration officials could legally forbid additional guests from entering the room.

It would be open to local authorities to allow more guests to attend, and a few do offer this. In Kent and Barnsley, four guests are allowed, and in Newcastle-upon-Tyne, six. In Cheshire East, Lancashire, and Southend-on-Sea, the maximum number of guests at the register office ceremony is set at 10,⁵¹ and Bradford and Keighley provide seating for 14. Chester West and Chester was unique in our sample in accommodating 50 guests for £47, which appears to offer excellent value for the (unexplained) extra £1.

As these examples indicate, the limitation on the number of guests is dictated by financial, rather than legal, considerations. While many of the smaller rooms that serve as the register office are unlikely to be able to accommodate more than the statutory minimum in comfort or safety, some former register offices offering a £46 ceremony with two witnesses are happy to allow more guests in the same room, for a higher fee.⁵²

Again, having a legal ceremony with just two witnesses is exactly what some couples want. 039 (female, 40) described ‘thinking, this is just perfect, how I wanted it to be’. Others, however, wanted to be able to marry with at least their immediate family present, and found that they had to pay more in order to be able to do so. As 007 (female, 28) reported:

You could have two people only for 80 pounds, that was the cheapest option and we were like, ‘Well, we can’t have two people because my parents and his parents are the bare minimum that we would want to be there. We can’t just have one set of parents.’ And then the next size up was you have 40 people and that’s 200 pounds. . . . And it’s in the same room as the one that you would have had the two-people option.

Her blunt assessment was that they were ‘being exploited’ and ‘used as an income/revenue stream’ by the local authority. A similar lack of flexibility in the available options was reported by 032 (female, 59), who wanted her adult children to be at the ceremony and had to ‘go outside the district in order to get a ceremony with more than four people on the day that I wanted it’.

It is clear, then, that the administration of the £46 ceremony is just as variable as its availability and accessibility. It is only fair to report that many of our interviewees spoke very highly of the registrars who had conducted the ceremony, and expressed their surprise that what they had expected to be purely a formality had ended up being something meaningful. Whether this was what they wanted was another matter, to which we now turn.

Discussion

Those who regard the legal wedding as a mere formality may be unconcerned about its taking place in an office. But they still need it to be available in the first place. There is also the risk that the non-availability of a statutory ceremony will be used as a pretext for delaying the wedding if one of the parties is looking for an excuse not to get legally married. With the concerns that have been voiced about the vulnerability of individuals in religious-only marriages – and clear evidence from the interviewees that for Muslim couples in particular there is often a significant lapse of time between the *nikah* and the legal wedding⁵³ – there is a clear need to remove any perceived barriers to getting legally married.

Those who regard their ‘real’ wedding as taking place elsewhere may equally want the legal process to be as simple as possible. This is particularly important for those who do not at present have the option of marrying in the way that they would wish. A number of our interviewees had followed the legal ceremony with one conducted by an interfaith, Humanist, or independent celebrant. The conflicting emotions of 024 (female, 34), who had gone on to have a Humanist ceremony, were evident in her account of the legal ceremony, to which the registrars had added what they considered suitable enhancements. As she noted, ‘in the end, it actually was quite a special day. But we had decided we didn’t want the legal day to be special because we wanted the next day to be the special one’.

That is not to say that the register office wedding should necessarily be presented as an administrative matter rather than a ceremony. Here we need again to acknowledge the limitations of our samples. The 2017 survey was small-scale and did not collect data on the socio-economic status of respondents. It may, however, support a tentative conclusion that the demand for a £46 ceremony is greater than the supply. The difference between the 12% of respondents who noted that they had wanted to get married in a minimal ceremony and the 8% of couples who actually did marry in a register office in England or Wales in that year may appear small, but would still equate to over 7,500 couples.⁵⁴ The Nuffield research focused on those who had had a non-legally binding ceremony in addition to their legal wedding. It was perhaps unsurprising that many of them saw it as a mere formality and wanted it to be as pared-down as possible, and that at least some were unconcerned about whether it took place in an office with just two witnesses.

What we do not know is whether there are other couples for whom the ceremony in the register office is their only ceremony and who want it to have the status of a ceremony rather than an administrative procedure. If there *are* couples who are marrying in a register office because they lack the means to have a more lavish celebration, the availability, accessibility and administration of the £46 ceremony may assume even more significance. The combination of the contraction in both the number of register offices and the times at which statutory ceremonies are available bears particularly harshly on such couples. Every incremental addition to the cost of marrying through booking fees or certificates will have a disproportionate impact on people on low incomes. Describing it as a ‘registration’ or as a purely administrative process is unlikely to make them feel that their marriage is valued by society, which may be important to them. And limiting couples to a choice of two of their family or friends before whom to make their vows may well be problematic in terms of their wider relationships.

Nor do we know whether there are couples who cannot afford the fees for an attractive venue, but are deterred from getting married in a register office ceremony that is presented as a purely administrative, office-based process. In analysing why couples might choose to marry – or not marry – the focus has been on the rise, and the significance, of the big wedding (Duncan *et al.* 2005). Our findings suggest that there may be another dimension to this rise, in that the terms on which it is possible to get married in a register office have become increasingly restrictive and, as a result, increasingly far removed from the ideal of a ‘wedding’. Fifty years ago it was possible for couples to get married in a register office on a Saturday morning, in an attractive room, with some guests in addition to their two witnesses (Probert 2021). Today that option has all but

disappeared. Further research is needed to explore awareness of the right to a low-cost statutory civil wedding ceremony, how local authorities are currently determining the level of need for statutory ceremonies and whether their provision accommodates this need. In particular, data are needed about the legal wedding needs and desires of lower socioeconomic groups, and whether or how the cost and availability of statutory ceremonies may have an impact on the decision to marry.

The implications for weddings law reform

Had the scheme proposed by the Law Commission (2020) been in place, many of those we had interviewed would not have needed to have a separate wedding in the register office at all. But some would still want or need to get married there, including different-faith couples who want their legal wedding to be a neutral third option, and those who have a religious-only ceremony at an early stage in their relationship, usually in order to render their cohabitation acceptable to their communities. While its proposal that only one registration officer would need to attend a marriage – rather than the two required at present – would potentially double local authorities' capacity, law reform takes time. Measures could be taken now to make the statutory ceremony more readily available and accessible, and to ensure that it is administered in a way that meets the needs of the couples using this option.

In terms of its availability, the 'prescribed' fees need to be the actual – and only – fees charged for a minimal wedding ceremony in England and Wales. As the Law Commission (2020, para. 12.36) has noted, local authorities should not be permitted to charge non-deductible booking fees or to require couples to purchase a marriage certificate.

The accessibility of the register office ceremony would be increased, at least for internet users, if all the marriage-related fees were placed together and easily accessible from the main 'Getting married in ...' page for each local authority. Pembrokeshire's website, which sets out all the costs of a two-plus-two ceremony in a single paragraph, with the same prominence as that given to marriage or civil partnership ceremonies in more expensive venues,⁵⁵ is a model that others could usefully follow. At the very least, it should be a legal requirement for local authorities to advertise the times at which the statutory ceremony is available. It would also be helpful for the terminology used to describe the £46 weddings to be both standard and neutral: 'statutory ceremony' is clear and does not downgrade the nature of what is taking place.

By contrast, the administration of the register office wedding needs to be made more flexible, so that it is better attuned to the needs of different couples. While it may not be practicable for it to be tailored to include a couple's choice of readings or music, it should at least be possible for couples to make it clear if they do not want any readings or music, rather than having the choices of registration officers – however well-intentioned – foisted upon them. It should be made clear to couples that they have a choice of prescribed words, and that any words, actions or music – other than the signing of the schedule – are optional. If a couple want to exchange rings as part of the ceremony, they should be able to do so; if they do not, they should be able to make this clear in advance. The provision of a simple 'preferences' form, like the one available on Somerset's website, followed by a meaningful discussion – before the big day – would remove the risk of any mismatch of expectations about the ceremony. Allowing couples to decide what elements they do *not* want to have in

their statutory ceremony would also benefit local authorities. Not including readings, music or addresses on the meaning of marriage for those who did not want them would reduce the time needed for statutory ceremonies, and potentially free up time for further slots to be made available. And while the number of guests permitted may need to be limited by the size of the room, the current requirement for open doors means that no other reason for permitting only two witnesses to attend should be acceptable.

The findings in this article also have a wider relevance to debates about the future of marriage law reform. One recent response to the complexities of the current law was to propose that ‘all marriages, if they are to be legally recognised, should take place by way of a civil ceremony in a register office’ (Welstead 2020, p. 1702), leaving any religious or other ceremonies as an optional add-on. Calls for universal civil marriage are nothing new, but, given how few register offices remain, requiring all weddings to take place in such venues is clearly impracticable. Converting council-owned approved premises back into register offices might enable local authorities to meet demand, but is unlikely to be welcomed if they are limited to charging £46. The alternative – that of giving registration officers a monopoly over legal weddings while allowing local authorities to charge such fees as they wish for all but a limited number of slots – would be highly controversial.

Conclusion

In setting out its proposals for reform of weddings law, the Law Commission (2020, para. 12.34) expressed the view that ‘[a]s marriage has significant legal advantages and consequences, it is an important function of Government to provide couples with a low-cost way of getting married’. Being able to get married for no more than £127 matters, and couples should be able to find out that this option exists, and be able to access it in practice. Why it matters, and what form the ceremony should take, depends on the couple. At present all three aspects that we have reviewed – availability, accessibility and administration – vary hugely between different authorities.

What we are suggesting is greater standardisation in terms of availability and accessibility, and greater flexibility in terms of administration. At the moment, there will be couples who would like a degree of ceremony but whose local authority frames the register office wedding in purely administrative terms, and couples who conceive of the wedding as a formality but whose local authority treats it as a ceremonial matter. Whether there is a match in expectations is pure happenstance. If couples expressed their wishes, and registration officers tailored their approach to match them, this would not only remove the risk of a mismatch, but also allow registrars’ efforts to be directed where they are likely to be most needed and appreciated.

These steps would ensure that all couples’ choices of ceremony are respected. And if couples really do just want to get that piece of paper from the City Hall, it should not be so hard to do so.

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Notes

1. Marriage Act 1949, ss 44(3) and 44(3A).
2. Including £35 for each party to give notice (if both are relevant nationals) and £11 for a marriage certificate: The Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016, SI 2016/911.
3. On which see *R (ota Harrison) v Secretary of State for Justice* [2020] EWHC 2096 (Admin), paras [20]-[22].
4. On the requirements of the 1949 Act, see Law Commission (2020, ch 2).
5. *AG v Akhter and Khan* [2020] EWCA Civ 122.
6. While these are not static, all of the information on the cited websites was re-checked before submission.
7. There are 27 counties, 33 London boroughs, 37 Metropolitan boroughs, 56 English unitary authorities and 22 Welsh unitary authorities.
8. This project has been funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily the Foundation. Visit www.nuffieldfoundation.org.
9. We have followed the usage of the Law Commission in referring to the legal ceremony of marriage as a wedding. However, since many of the couples in our study saw their non-legally binding ceremony as their ‘real’ wedding, we have ensured that we always use the term ‘legal wedding’, or otherwise clarify what form it took (eg ‘civil wedding’ or ‘register office wedding’), in order to avoid confusion.
10. To preserve their anonymity, all are referred to by a code rather than by name. Participants in focus groups are identified by a letter to denote the focus group followed by a number unique to each participant. Interviewees are generally referred to by number alone, with an additional A or B where the couple were interviewed together. For more details about the sample composition and method (including ethics, recruitment and data management), see Probert, Akhtar and Blake 2022, ch 2.
11. The Marriage and Civil Partnerships (Approved Premises) Regulations 2005, SI 3168/2005, Sch 1 para 4 stipulates that approved premises cannot be a register office but that this ‘does not apply to premises in which a register office is situated, provided that the room which is subject to approval is not the same room as the room which is the register office’.
12. <https://www.ceremoniesinsidecoventry.co.uk/homepage/40/ceremony-fees-from-1-april-2021—31-march-2022>.
13. *Ceremonies in East Sussex*, <https://www.ceremoniesineastsussex.co.uk/brochure/?> pp 18–23.
14. *Celebrate in Hampshire*, pp 24–28, available at <https://www.hants.gov.uk>.
15. For example, while all five of Northumberland’s civic venues are referred to in some headings as ‘Register Offices’, only Alnwick is given the Register Office suffix and offers a statutory ceremony: <https://www.mynorthumberlandwedding.co.uk>.
16. See eg Cumbria, which offers ‘Register Office ceremony rooms’, all of which are in registration offices: <https://www.cumbria.gov.uk/registrationservice/marriages/ceremonyrooms.asp>.
17. <http://www.celebrateinleicestershire.co.uk/yourceremony/fees/>.
18. Lincolnshire (<https://www.lincolnshire.gov.uk>) and Lancashire (<https://lancashire.gov.uk>) appear to offer such ceremonies in all of their registration offices, while such ceremonies are available at three locations in Devon (Exeter, Tiverton and Torrington), three in Norfolk (Great Yarmouth, King’s Lynn and Norwich: <https://www.norfolk.gov.uk>), five in Shropshire (all in local libraries: <https://shropshire.gov.uk/births-and-marriages/our-fees/fees-for-2019-2022/>) and six in Somerset.
19. The ceremony had taken place in Surrey, where it costs £330 to marry on a Friday, with the notice fees making it £400 exactly (or £411 with a copy of the certificate): <https://www.surreycc.gov.uk>.
20. <https://www.ceremoniesineastsussex.co.uk/crowborough-register-office-fees>.
21. See eg Northamptonshire: ‘Monday to Wednesday between 9am and 11am subject to office availability’: <https://www.northamptonshire.gov.uk/councilservices/births-deaths-ceremonies/Pages/fees.aspx>.

22. For example, statutory ceremonies are available on different days at different locations in Hertfordshire (Mondays (Watford), Tuesdays and Thursdays (Hatfield), Wednesdays (Stevenage): <https://www.hertfordshire.gov.uk/services/births-deaths-marriages-and-citizenship/ceremonies/weddings.aspx>); and Shropshire (Tuesdays (Oswestry and Whitchurch) and Wednesdays (Bridgnorth, Ludlow and Shrewsbury): <https://www.shropshire.gov.uk/births-and-marriages/our-fees/fees-for-2019-2022/>).
23. Newcastle ('Monday to Saturday': <https://www.newcastle.gov.uk/services/births-deaths-and-marriages/newcastle-registration-service/register-office-fees>); South Tyneside (Monday-Thursday and 10am on Saturdays: <https://www.southtyneside.gov.uk/article/34820/Register-Office-fees>).
24. See eg Ealing ('non-refundable admin fee of £5 per person': https://www.ealing.gov.uk/info/201037/marriages_and_civil_partnerships/2036/give_notice_).
25. See eg Cumbria (£45 to book the ceremony and a £35 'amendment fee' if the couple need to amend the date: cumbria.gov.uk/registrationservice/fees.asp).
26. See <https://www.birmingham.gov.uk>.
27. lbbd.gov.uk/marriages-and-civil-ceremonies.
28. See ceremoniesineastsussex.co.uk/crowborough-register-office-fees.
29. At the time the minimum cost of marrying was £120, with the cost of a certificate being £4. Two couples reported paying £50, and one £56: these all included the cost of the certificate.
30. Two couples did not respond to this question, and two replied that they could not remember what the fee had been.
31. <https://www.shropshire.gov.uk/births-and-marriages/our-fees/fees-for-2019-2022/>.
32. 'Where and when you can get married': <https://www.hertfordshire.gov.uk/services/births-deaths-marriages-and-citizenship/ceremonies/weddings.aspx>.
33. <https://www.cumbria.gov.uk/registrationservice/ceremonies/ceremonies.asp>.
34. <https://www.cumbria.gov.uk/registrationservice/fees.asp>.
35. <https://weddings.buckscc.gov.uk/choose-my-package/emerald-1/>.
36. <https://weddings.buckscc.gov.uk/plan-my-ceremony/fees/>.
37. <https://www.cambridgeshireceremonies.co.uk/fees>. This is for weddings on Monday-Thursday alone; weddings on Fridays or Saturdays cost £365.
38. https://www.centralbedfordshire.gov.uk/info/49/registration_services/485/marriages_civil_partnerships_and_celebratory_services/3.
39. <https://www.rbwm.gov.uk/home/community-and-living/births-deaths-and-ceremonies/registrars/ceremony-costs>.
40. See eg <https://www.durham.gov.uk/article/19640/Bishop-Auckland-register-office>. See also somersetweddingservice.org.uk/marriages-partnerships/more-information/ and https://www.cheshireeast.gov.uk/register_office/marriages_in_cheshire_east/marriages_in_cheshire_east.aspx.
41. <https://ceremoniesineastsussex.co.uk>.
42. <https://www.westsussex.gov.uk/births-ceremonies-and-deaths/marriages-and-civil-partnerships/ceremony-administration/ceremony-fees/>.
43. <https://www.mynorthumberlandwedding.co.uk/ceremony-fees-2021-22/>.
44. 017 (male, 30, went on to have a *nikah*) and 024 (female, 34, went on to have a Humanist ceremony).
45. 015 (female, 25, went on to have a ceremony led by independent celebrant), and 078 (female, 36, went on to have an interfaith ceremony).
46. 064 (male, 42, *nikah* two months earlier).
47. 066 (female, 39, went on to have an Hindu ceremony).
48. See eg https://www.cheshireeast.gov.uk/register_office/ceremony-venues/statutory_ceremony_rooms.aspx; southend.gov.uk/info/200,216/marriage_and_civil_partnerships/937/weddings_on_sea_-_register_office.
49. See eg Dorset (<https://www.dorsetcouncil.gov.uk/births-deaths-marriages/weddings-marriages-and-civil-partnerships/dorset-weddings/dorchester-register-office.aspx>); East Sussex (ceremoniesineastsussex.co.uk/crowborough-register-office-fees); Shropshire (<https://www.shropshire.gov.uk/births-and-marriages/our-fees/fees-for-2019-2022/>).

50. See Staffordshire (<https://www.staffordshirewedding.info/statutory-ceremonies/>); Northamptonshire (<https://www.northamptonshire.gov.uk/councilservices/births-deaths-ceremonies/weddings-and-ceremonies/weddings/Pages/default.aspx#expand-Amarrriageorcivilpartnershipregistration>).
51. See <https://www.lancashire.gov.uk/births-marriages-and-deaths/ceremonies/marriage-and-civil-partnership-fees/>.
52. Across Devon, Exeter's 'A La Ronde' Room allows an additional six guests (for £150), Tiverton and the 'Old Kitchen' in Newton Abbot register office can accommodate 26 and 20 guests respectively (again for £150), and Torridge can accommodate 46 guests (for £200). See the individual webpages for each at <https://www.devon.gov.uk/registrationservice/approvedvenues>.
53. Among our interviewees, the lapse of time between the *nikah* and the register office ceremony varied from days to a few months (048, male, 38, three months) or even years (001, male, 40, seven years; 036, female, 27, one year). See also *AG v Akhter and Khan* [2020] EWCA Civ 122, in which the 'husband' consistently refused to arrange a legal wedding after the couple's *nikah*.
54. Calculated on the basis that 242,842 marriages were celebrated in 2017, of which 78% were civil ceremonies: see ONS, *Marriages in England and Wales 2017*.
55. pembrokeshire.gov.uk/marriages-and-civil-partnerships/marriage-civil-partnership-how-much-will-it-cost.

Disclosure statement

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