

Coronavirus (Scotland) (No.2) Act 2020

Report on the steps taken to ensure that the solemnisation of marriages and the registration of civil partnerships continues to be available, and on the number of marriages and civil partnerships that have taken place during the reporting period

Laid before the Scottish Parliament by the Scottish Ministers under paragraph 24(4) of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020

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Introduction

1. Paragraph 24 of schedule 1 of the Coronavirus (Scotland) (No. 2) Act 2020 (“the second Scottish Act”) requires the Scottish Ministers, in conjunction with the Registrar General of Births, Deaths and Marriages for Scotland (“the Registrar General”), to take such steps as they consider necessary to ensure that the solemnisation of marriages and registration of civil partnerships continues to be available in Scotland whilst paragraph 24 is in force.
2. It specifies that the steps taken must ensure that a person’s right to marry, which is protected by Article 12 of the European Convention on Human Rights (ECHR), is not disproportionately interfered with for reasons relating to coronavirus.
3. It also requires the Scottish Ministers to report on the steps taken and on the number of marriages and civil partnerships that have taken place.

The Reporting Period

4. The provisions of paragraph 24 of schedule 1 provide that reports must relate to “each reporting period”. This has the meaning given by section 12(4) of the second Scottish Act. The second reporting period began the day after the end of the first reporting period and ended on 30 September. Therefore, this report covers from 1 August to 30 September 2020 inclusive.
5. In preparing this report, the Scottish Ministers have obtained information from National Records of Scotland (NRS) on the number of marriages and civil partnerships that have been solemnised and registered during the reporting period.

Marriage and Civil Partnership

Number of marriages and civil partnerships

6. The Scottish Government published the ‘Coronavirus (Scotland) (No.2) Act 2020: Report on Marriage and Civil partnership’ on 17 August.¹ The report covered the reporting period from 27 May to 31 July. At the time of reporting, NRS were aware of 613 marriages having been solemnised and 7 civil partnerships having been registered in that period.
7. At the end of the current reporting period, the numbers provided by NRS remain the same as initially reported for the period between 27 May and 31 July 2020 inclusive.
8. This report covers the period from 1 August to 30 September 2020 inclusive. At the finalisation of the report, NRS were aware of 3228 marriages having been solemnised and 16 civil partnerships having been registered in that period.

¹ Coronavirus (Scotland) (No.2) Act 2020: Report on Marriage and Civil Partnership
<https://www.gov.scot/publications/coronavirus-scotland-no-2-act-2020-report-marriage-civil-partnership/>

9. Further marriages and civil partnerships may have taken place during the reporting period which have not yet been entered onto the IT system as, in the case of a religious or belief ceremony, there can sometimes be a delay between the ceremony taking place and the return of the marriage or civil partnership schedule to the district registrar.
10. Updated numbers for the second reporting period will be provided in the report at the end of the next reporting period.

Steps Taken

11. The Scottish Ministers and the Registrar General have taken steps to ensure that the solemnisation of marriages and the registration of civil partnerships continues to be available in Scotland during the emergency period. Restrictions impacting on gatherings for the purpose of marriage ceremonies and civil partnership registrations were subject to adjustment, at both local and national level, during the reporting period but it remained possible at all times for marriage ceremonies and civil partnership registrations to take place safely both indoors and outdoors with limited numbers.
12. With effect from 15 July and throughout the reporting period it has been possible, depending on where the ceremony or registration takes place, for up to 20 people from any number of households to attend a marriage or civil partnership ceremony. The limit on numbers includes the couple, the two witnesses, guests, and anyone employed by the couple. It excludes any staff employed by the venue, and since 4 August, it also excludes the registrar or celebrant.
13. Previously, these limits applied only to the marriage ceremony or civil partnership registration and not to any celebration before or after, such as a reception. These events were subject to the general guidance and limits on gatherings and hospitality. However, from 14 September, up to 20 people can attend a reception related to a marriage or civil partnership taking place in hospitality premises, such as a hotel, provided the venue can safely accommodate those attending with physical distancing in place and adhere to the statutory guidance for the tourism and hospitality sector.²
14. The wearing of face coverings is now mandatory for everyone attending a marriage ceremony or civil partnership registration at an indoor public place unless individuals fall within one of the statutory exemptions. There is a specific exemption for the individual leading a ceremony or registration, such as the celebrant or registrar.
15. During the reporting period, it has been necessary to put in place Regulations from 25 September generally preventing people from mixing socially with other households in a private dwelling.³

² Coronavirus (COVID-19): tourism and hospitality sector guidance

<https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/>

³ The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020
<https://www.legislation.gov.uk/ssi/2020/279/regulation/9>

16. Since then marriage ceremonies and civil partnership registrations should only take place in indoor private dwellings if it is not possible for them to take place in a public place, for example, if a party to the marriage or civil partnership is seriously ill. Where a ceremony or registration is taking place in a private dwelling, the persons participating should include no more than six people, being the couple, the registrar or celebrant, the two witnesses and any required interpreter.

Local Advice and Measures

17. It has been necessary to put in place local advice and measures during the reporting period with impacts for some marriages and civil partnerships taking place in specified areas during periods of local restriction. The Scottish Government published 'Coronavirus (COVID-19): local advice and measures' which included information for those involved with marriages and civil partnerships in affected areas.⁴

18. From 5 August, local restrictions on non-essential travel over five miles, on gatherings, and on hospitality applied to Aberdeen City. Marriages and civil partnerships indoors could not take place but marriages and civil partnerships outdoors could continue to take place. Guests from outwith the city could not attend a marriage or civil partnership in Aberdeen, and people living in Aberdeen could not travel outwith the city to attend such occasions. The local restrictions ceased on 24 August and marriages and civil partnerships could take place in line with general guidance and restrictions.

19. From 1 September, local restrictions on hosting or visiting other households applied to Glasgow City, East Renfrewshire, West Dunbartonshire. From 7 September, this was extended to include Renfrewshire and East Dunbartonshire. From 11 September, this also included North and South Lanarkshire. Marriages and civil partnerships held in indoor private dwellings could not take place. Marriages and civil partnerships outdoors at private dwellings or in indoor or outdoor public places could continue to take place in line with the general guidance and restrictions.

20. Regulations in force from 25 September on mixing socially between households in private dwellings apply generally across Scotland rather than locally. As noted, where a ceremony or registration is taking place in an indoor private dwelling for reasons related to health, our guidance is that the persons participating should include no more than six people, being the couple, the registrar or celebrant, the two witnesses and any required interpreter.

⁴ Coronavirus (COVID-19): local advice and measures <https://www.gov.scot/publications/coronavirus-covid-19-local-measures/pages/overview/>

Guidance on marriage and civil partnership

21. The Scottish Government has published guidance to assist people planning to get married or form a civil partnership in Scotland, those responsible for venues that may host such events, and the celebrants who conduct them.⁵
22. Guidance has been issued by the Registrar General for those intending to get married or enter a civil partnership during the emergency period, which is available on the National Records of Scotland service status page.⁶
23. The Registrar General has worked closely with local authority registrars. Local authority registrars process marriage and civil partnership notices; solemnise marriages and register civil partnerships when the couple wish to follow civil procedures; issue marriage and civil partnership schedules when the couple wish to follow religious or belief procedures; and register the details of marriages and civil partnerships that have taken place. The Registrar General has issued guidance to registrars through a series of pandemic advice letters.
24. Related guidance published by the Scottish Government on places of worship, hospitality and gatherings is available at:
 - [Coronavirus \(COVID-19\) Phase 3: guidance for the safe use of places of worship](#)
 - [Coronavirus \(COVID-19\): tourism and hospitality sector guidance](#)
 - [Coronavirus \(COVID-19\): what you can and cannot do](#)

Equality and Human Rights

25. Article 12 of the ECHR protects the right of men and women of marriageable age to marry and to start a family. Article 14 of the ECHR also protects against discrimination in the enjoyment of the right conferred by Article 12 on a prohibited ground.
26. Paragraph 24(2) of schedule 1 of the second Scottish Act provides that the steps taken by the Scottish Ministers and the Registrar General to ensure the availability of marriage must ensure that the right conferred by Article 12 is not disproportionately interfered with for reasons relating to coronavirus.
27. Through the arrangements that have been put in place, through the easing and management of restrictions, and through the other steps set out in the report, the Scottish Ministers, in conjunction with the Registrar General, have taken steps to ensure that any impact on the right to marry has been minimised and to minimise any discriminatory effect of the restrictions.

⁵ Coronavirus (COVID-19): wedding ceremonies and civil partnership registrations <https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-small-marriages-and-civil-partnership-registrations/>

⁶ Getting Married or Civilly Partnered in Scotland <https://www.nrscotland.gov.uk/registration/getting-married-in-scotland>

28. The Scottish Government has engaged with religious and belief bodies on the impact of the pandemic, including the impact on marriages and civil partnerships. This work has helped to inform guidance issued by the Scottish Government.
29. The easing of restrictions has been of particular benefit to persons of faith. For couples for whom cohabitation before marriage is incompatible with their faith the easing of restrictions has enabled them to marry and to begin their married life together.
30. The easing of restrictions on access to places of worship and on the number of persons permitted to attend ceremonies has benefitted members of those religions that have a requirement or preference for ceremonies to take place indoors in a place of worship, and members of those religions that require more people to be present at a ceremony than the legal minimum of five attendees.
31. The Scottish Government will continue to engage with key stakeholders to consider any impact of the restrictions on marriage and civil partnership on rights and equality.

Conclusion

32. Any further changes to the current restrictions in place in relation to marriage and civil partnership as a consequence of the pandemic, will depend on public health advice.

The Scottish Government
October 2020



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Riaghaltas na h-Alba
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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-192-9 (web only)

Published by The Scottish Government, October 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS773526 (10/20)

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