

Coronavirus (Scotland) (No.2) Act 2020

Report on the steps taken to ensure that the solemnisation of marriages and 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 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 continue to be available in Scotland whilst paragraph 24 is in force. 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

2. 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 first reporting period began the day after Royal Assent and ended on 31 July 2020.

3. The second Scottish Act received Royal Assent on 26 May 2020. Therefore, this report covers from 27 May 2020 to 31 July 2020 inclusive.

4. In preparing this report, the Scottish Ministers have obtained information from National Records of Scotland 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

5. As at the date of finalisation of this report, National Records of Scotland were aware of 613 marriages having been solemnised and 7 civil partnerships having been registered between 27 May 2020 and 31 July 2020.

6. 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.

7. Updated numbers for this reporting period will be provided in the report at the end of the next reporting period.

Steps taken

8. The Scottish Ministers and the Registrar General have taken steps to ensure that the solemnisation of marriages and the registration of civil partnerships continue to be available in Scotland during the emergency period.

9. Further information is included below on the number of marriages and civil partnerships conducted both before and since the implementation of the Route Map and through the various phases of restrictions.

27 March to 28 June

10. The Registrar General put in place measures to ensure marriages and civil partnerships could take place where there was a pressing need from 27 March until 28 June inclusive. Examples of pressing need are where one of the parties:

- is seriously ill
- is about to be posted overseas in the Armed Forces
- has a marriage or civil partnership visa which is about to expire.

11. There were 58 marriages and 1 civil partnership conducted during this period.

29 June to 9 July

12. With effect from 29 June to 9 July inclusive, the Scottish Government eased restrictions enabling more marriage ceremonies and civil partnership registrations to take place outdoors. The persons participating could constitute no more than 8 people coming from up to three households. The limit of 3 households and 8 people did not include the celebrant or registrar and any required interpreter.

13. There were 136 marriages and 2 civil partnerships conducted during this period.

14. The Scottish Government worked closely with the Registrar General on the resumption of marriages and civil partnerships as part of the reopening of registration offices for high priority activities under Phase 2 of Scotland's Route map. The Registrar General engaged with local authority registrars and issued guidance to registrars on the general resumption of work around marriage and civil partnerships.

10 July to 14 July

15. With effect from 10 July to 14 July inclusive, the Scottish Government further eased restrictions enabling more marriage ceremonies and civil partnership registrations to take place outdoors. The persons participating could constitute no more than 15 people in a group of 5 households. The limits of 15 people and 5 households did not include the celebrant or registrar and any interpreter required.

16. In this period, indoor marriages were also allowed. A maximum of 8 people from up to 3 households were allowed to attend. As with outdoor marriages during this period, the celebrant or registrar and any required interpreter did not count towards these limits.

17. There were 46 marriages conducted during this period.

15 July to 31 July

18. With effect from 15 July, the Scottish Government further eased restrictions enabling more marriage ceremonies and civil partnership registrations to take place indoors and outdoors. The persons participating can constitute no more than 20 people.

19. There were 396 marriages and 4 civil partnerships conducted during this period.

20. At the end of the reporting period on 31 July, the limit of 20 people excluded any staff employed by a venue, such as hospitality staff. It did include the couple, two witnesses, guests, anyone employed by the couple, such as a photographer, and the celebrant or registrar and any required interpreter.¹ Those attending may come from any number of households.

21. These limits apply to the marriage ceremony or civil partnership registration and not to any celebration before or after, such as a celebration or a reception. Such events are subject to the general guidance and limits on gatherings and hospitality.

Guidance on marriage and civil partnership

22. 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.²

25. 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.³

26. 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-focused advice letters.

27. Related guidance published by the Scottish Government on gatherings, hospitality, and also on places of worship is available at:

- <https://www.gov.scot/publications/coronavirus-covid-19-what-you-can-and-cannot-do/pages/seeing-friends-and-family/>
- <https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/pages/exemption-to-1m-for-hospitality/>

¹ The guidance changed on 4 August 2020 so the limit of 20 did not apply to the celebrant or registrar and any required interpreter.

² 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/>

³ Getting Married or Civilly Partnered in Scotland <https://www.nrscotland.gov.uk/registration/getting-married-in-scotland>

- <https://www.gov.scot/publications/coronavirus-covid-19-phase-3-guidance-for-the-safe-use-of-places-of-worship/>.

Equality and Human Rights

28. Article 12 of the European Convention on Human Rights (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.

29. 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.

30. 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.

31. 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.

32. The easing of restrictions enabled people to marry and begin their married life together. The easing of restrictions could particularly benefit people for whom cohabitation before marriage is incompatible with their faith.

33. In addition, for reasons of faith, some religious bodies require more people to attend a ceremony than the legal minimum of 5 attendees. This has been enabled by the easing of restrictions.

34. Some religious bodies also have a requirement or preference for ceremonies to take place indoors in a place of worship. This has been enabled by the easing of restrictions.

Conclusion

35. 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.

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