

Coronavirus (Scotland) (No.2) Act 2020

Third 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 Marriage for Scotland (“the Registrar General”) to take such steps as they consider necessary to ensure that the solemnisation of marriages and the 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 third reporting period began the day after the end of the second reporting period and ended on 30 November. Therefore, this report covers from 1 October to 30 November 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 second ‘Coronavirus (Scotland) (No.2) Act 2020: Report on Marriage and Civil Partnership’ on 15 October.¹ The report covered the reporting period from 1 August to 30 September. At the time of reporting, NRS were aware of 3228 marriages having been solemnised and 16 civil partnerships having been registered in that period.
7. At the end of the current reporting period, the numbers reported by NRS for the period between 1 August and 30 September have been updated to 3292 marriages but remain the same as initially reported for civil partnerships.
8. This report covers the period from 1 October to 30 November inclusive. At the end of the reporting period, NRS were aware of 3324 marriages having been solemnised and 21 civil partnerships having been registered in that period.

¹ [Coronavirus \(Scotland\) \(No.2\) Act 2020: marriage and civil partnership - report - gov.scot \(www.gov.scot\)](https://www.gov.scot/Coronavirus-(Scotland)-(No.2)-Act-2020-marriage-and-civil-partnership-report)

9. Further marriages and civil partnerships may have taken place during the reporting period which have not yet been entered into 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 third 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. From 15 July, it has been possible, depending on where the ceremony takes place, for up to 20 people from any number of households to attend a marriage ceremony or civil partnership registration. 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 the registrar or celebrant.
13. Previously, this only applied to the marriage ceremony or civil partnership registration and not to any celebration before or after, such as a reception. Such events were subject to the general guidance and limits on gatherings and hospitality.
14. From 14 September, depending on where the celebration takes place, up to 20 people can attend a celebration related to a marriage or civil partnership in a hospitality premise, 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
15. The wearing of face coverings is 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. From 16 October, there is also a specific exemption for the couple getting married or forming a civil partnership. The couple do not need to wear a face covering during a marriage ceremony or civil partnership registration provided they are at least 2 metres away from everyone else or separated from everyone else by a partition.

² [Coronavirus \(COVID-19\): tourism and hospitality sector guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/health/coronavirus-covid-19/tourism-and-hospitality-sector-guidance)

16. From 25 September, people have generally been prevented from mixing socially with other households in a private dwelling.
17. Marriage ceremonies and civil partnership registrations should only take place in an indoor private dwelling 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, if required, an interpreter.
18. During the reporting period, additional restrictions were put in place across Scotland in relation to hospitality premises from 9 October to 2 November. These restrictions did not apply when a marriage or civil partnership and any associated reception was booked before 9 October to take place in a hospitality premise.

Protection levels

19. From 2 November, the Scottish Government has implemented a new strategic approach based on five levels of protection. The Scottish Government has published 'Coronavirus (COVID-19): local protections levels' for information on each level.³ Marriages and civil partnerships can continue to take place under each of the protection levels. The number of people who can attend a marriage or civil partnership depends on the protection level in the area the ceremony or registration takes place:
 - At level 0, no more than 50 people should attend.
 - At levels 1, 2 or 3, or 4 no more than 20 people should attend.
20. The limit on the number of people who can attend a marriage or civil partnership remains at 20 people for levels 1, 2, 3 and 4 of the strategic framework. At level 0, no more than 50 people should attend enabling couples to have more choice over who they invite to their marriage or civil partnership.
21. Receptions can continue to take place in areas at levels 0-3 but cannot take place in an area affected by level 4 restrictions.
22. From 20 November, travel in and out of local authority areas affected by levels 3 and 4 restrictions has generally been prevented.⁴ Travel is permitted where there is a reasonable excuse. This includes travel to attend a gathering for the purpose of a marriage or civil partnership.
23. For level 3 areas, this allows travel in and out of that area to both attend a marriage ceremony or civil partnership registration and to attend any related reception. For level 4 areas, this allows travel in and out of that area to attend the ceremony or registration only, receptions cannot take place in a level 4 area.

³ [Coronavirus \(COVID-19\): local protection levels - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-19-local-protection-levels/pages/1-introduction.aspx)

⁴ [Coronavirus \(COVID-19\): guidance on travel and transport - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-19-guidance-on-travel-and-transport/pages/1-introduction.aspx)

Guidance on marriage and civil partnership

24. The Scottish Government has published guidance to assist people planning to get married or form a civil partnership in Scotland and the registrar or celebrant who conduct them.⁵
25. Guidance has been issued by the Registrar General for those intending to get married or form a civil partnership during the emergency period, which is available on the National Records of Scotland service status page.⁶
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 advice letters.
27. Related guidance published by the Scottish Government on places of worship, hospitality and the protection levels is available at:
 - [Coronavirus \(COVID-19\) Phase 3: guidance for the safe use of places of worship - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/coronavirus-phase-3-guidance-for-the-safe-use-of-places-of-worship/)
 - [Coronavirus \(COVID-19\): tourism and hospitality sector guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/coronavirus-tourism-and-hospitality-sector-guidance/)
 - [Coronavirus \(COVID-19\): local protection levels - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/coronavirus-local-protection-levels/)

Equality and human rights

28. 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.
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 protection levels, 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 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/coronavirus-wedding-ceremonies-and-civil-partnership-registrations/)

⁶ [Getting Married or Civilly Partnered in Scotland | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/Getting-Married-or-Civilly-Partnered-in-Scotland)

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 the guidance issued by the Scottish Government.
32. 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.
33. 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.
34. 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

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.

**The Scottish Government
December 2020**



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