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Coronavirus (Scotland) (No.2) Act 2020

Fourth 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 fourth reporting period began the day after the end of the third reporting period and ended on 31 January. Therefore, this report covers the period from 1 December 2020 to 31 January 2021 inclusive.
5. In preparing this report, the Scottish Ministers have relied on 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 third ‘Coronavirus (Scotland) (No.2) Act 2020: Report on Marriage and Civil Partnership’ on 15 December 2020.¹ The report covered the reporting period from 1 October to 30 November 2020. At the time of reporting, NRS were aware of 3324 marriages having been solemnised and 21 civil partnerships having been registered in that period.
7. Due to a delay in completed marriage schedules being returned to registrars following ceremonies, NRS have since become aware of a further 126 marriages having been solemnised bringing the total number to 3450 marriages between 1 October and 30 November 2020. NRS have not since become aware of any further civil partnerships having been registered during that period.
8. This report covers the period from 1 December 2020 to 31 January 2021 inclusive. At the end of the reporting period, NRS were aware of 1904 marriages

¹ [Coronavirus \(Scotland\) \(No.2\) Act 2020 - marriage and civil partnership: third report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-act-2020-2020-15-12-2020/sections/marriage-and-civil-partnership-third-report-2020-15-12-2020/sections/marriage-and-civil-partnership-third-report-2020-15-12-2020.pdf)

having been solemnised and 13 civil partnerships having been registered in that period.

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 fourth 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. During the reporting period, gatherings were subject to further restrictions but exceptions to those restrictions have ensured that it has remained possible for marriage ceremonies and civil partnership registrations to take place safely both indoors and outdoors with limited numbers.
12. From 15 July 2020 until 8 January 2021, it had been possible, depending on the venue, for up to 20 people from any number of households to attend a marriage ceremony or civil partnership registration.
13. On 2 November 2020, the Scottish Government implemented a strategic approach based on five levels of protection.² The restrictions applying at each level have been subject to adjustment, but marriages and civil partnerships can continue to take place under each of the protection levels. The number of people currently permitted to 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 and 3, no more than 20 people should attend.
 - At level 4, no more than 5 people should attend (or no more than 6 if an interpreter is required).
14. Receptions can continue to take place in areas at levels 0-3 but have not been able to take place in areas affected by level 4 restrictions since the implementation of the strategic framework. When permitted, 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 [Coronavirus \(COVID-19\): Scotland's Strategic Framework - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2020/11/2020110214/2020110214.pdf)

Stay at home

15. From 26 December 2020, all of Scotland became subject to either level 3 or level 4 restrictions. At that date, marriages and civil partnerships could continue to take place with no more than 20 people in both level 3 and level 4 areas.
16. Following the imposition of a “stay at home” requirement for level 4 areas, and with effect from 8 January 2021, the number of people who could attend a marriage or civil partnership in a level 4 area has been limited to 5 people. This number includes the couple, the registrar or celebrant, the two witnesses or no more than 6 people if an interpreter is required.
17. The continued provision of limited exceptions to the restrictions on gatherings that otherwise apply in level 4 areas for marriages and civil partnerships, recognises the importance of marriage and civil partnership to couples and to society more widely.

Guidance on marriages and civil partnerships

18. The Scottish Government has published guidance to assist both people planning to get married or form a civil partnership in Scotland and the registrars or celebrants who conduct the ceremonies and registrations.³
19. 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 NRS website.⁴
20. The Registrar General has worked closely with local authority registrars. 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.
21. Related guidance published by the Scottish Government on places of worship, hospitality and stay at home is available at:
 - [Coronavirus \(COVID-19\): guidance for the safe use of places of worship - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-the-safe-use-of-places-of-worship-2020-12-23/pages/1-10-introduction-to-the-guidance.aspx)
 - [Coronavirus \(COVID-19\): tourism and hospitality sector guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-the-tourism-and-hospitality-sector-2020-12-23/pages/1-10-introduction-to-the-guidance.aspx)
 - [Coronavirus \(COVID-19\): stay at home guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-stay-at-home-2020-12-23/pages/1-10-introduction-to-the-guidance.aspx)

³ [Coronavirus \(COVID-19\): wedding ceremonies and civil partnership registrations - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-for-wedding-ceremonies-and-civil-partnership-registrations-2020-12-23/pages/1-10-introduction-to-the-guidance.aspx)

⁴ [Getting Married or Civilly Partnered in Scotland | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/information/getting-married-or-civilly-partnered-in-scotland)

Equality and human rights

22. 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.
23. 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.
24. Through the arrangements that have been put in place, through the management of restrictions and protection levels, and through 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.
25. 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.
26. The continued availability of marriage has been of particular importance to persons of faith. For couples for whom cohabitation before marriage is incompatible with their faith, they are able to marry and to begin their married life together. With effect from 8 January 2021, places of worship are generally closed in level 4 areas except for limited purposes, including to allow for a marriage or civil partnership. This allows couples of faith to continue to marry in accordance with the rites of their faith, even when those rites have to be performed in a place of worship.
27. However, reducing the number of persons permitted to attend marriage ceremonies may have an impact for members of those religions that have a requirement or preference for more people to be present at a ceremony than the legal minimum. The Scottish Government will carry out a review of the impact of the restrictions on members of religious bodies.
28. The Scottish Government will continue to engage with key stakeholders, including religious and belief bodies, to consider the impact of the marriage and civil partnership restrictions on rights and equality.

Conclusion

29. 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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