

The day of their dreams: celebrant-led wedding celebration ceremonies

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Abstract

There is anecdotal evidence that ever-increasing numbers of couples in England and Wales are engaging the services of ‘wedding celebrants’ who conduct ceremonies to celebrate their relationships, but no systematic research into celebrants’ work had ever been conducted. As the Law Commission is currently undertaking a review of the law governing marriage ceremonies, I conducted a large-scale survey of celebrants early in 2020, and my findings confirmed that the number of celebrants has increased very significantly since 2017. The demand for their services appears to be not because couples are rejecting marriage, but because they are dissatisfied with the stark choice of ceremonies offered by the law: a religious ceremony, or one that is entirely secular and conducted in a register office or on approved premises. I compared the features of respondent-led ceremonies with the constraints imposed on weddings by the law and registration officers. My findings lead me to propose that a more liberal regime for weddings should be introduced, but that certain minimal elements should be standardised and specified by law, so that couples can be confident that they are legally married after having a ceremony that meets their wishes.

[186 words]

Keywords

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Introduction

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Marriage is a social rite of passage that confers legal rights upon both parties. Under the laws of England and Wales, weddings are subject to a strict religious/civil dichotomy, with those solemnised by Superintendent Registrars being prohibited from including any religious content. Many couples do not find it appealing to be faced with a stark choice that has remained essentially unchanged since Queen Victoria ascended to the throne. It is therefore unsurprising that, in the quest for ‘the day of their dreams’, such couples participate in wedding-style ceremonies that can encompass an almost unrestricted range of elements reflecting their beliefs, personalities and lifestyles. Such ceremonies have no legal effect at all: they are what the Court of Appeal has termed ‘non-qualifying ceremonies’,¹ and courts cannot impose financial settlements if these relationships break down.²

Many of these ceremonies are conducted by independent ‘wedding celebrants’ who operate outside the legal framework. Despite compelling anecdotal evidence about the growing number of such celebrants, there has never been any systematic research into what they do. Given that the Law Commission’s ongoing *Weddings* project includes consideration of whether and, if so, how these celebrants could be brought within the legal framework,³ it is crucial to understand something about the couples who engage celebrants, the nature of the ceremonies that celebrants conduct, and whether celebrants are prepared to conduct ceremonies for couples who would not be permitted to marry within the law of England and Wales.

In this article,⁴ I focus on celebrants’ work, drawing on the findings from a large-scale empirical research project that I conducted in the first two months of 2020. I begin by describing the project’s design and execution, and exploring the change in the number of practising celebrants. Having described the marital intentions and other relevant characteristics of couples who engage celebrants, I consider in some detail the nature of the ceremonies that celebrants conduct. This discussion is set in the context of recent legal reforms, the scant literature, and the significantly different law governing weddings in Scotland. After reflecting on the limitations of the findings of the project, I conclude by making some recommendations about how the law could be changed to introduce consistency and certainty, and to enable more couples to have the wedding ceremonies that they would like.

¹ *Attorney-General v Akhter, Khan and others* [2020] EWCA Civ 122.

² See eg R Probert, ‘The evolving concept of “non-marriage”’ [2013] CFLQ 314.

³ Law Commission, *Weddings* (undated) www.lawcom.gov.uk/project/weddings/, last accessed 11 March 2020.

⁴ A second article will focus on the celebrants themselves, and how they present their services to potential clients, before considering whether they could, and should, be formally authorised to conduct legally binding marriage ceremonies.

The project

Most of the empirical data presented in this article come from an online survey on the Qualtrics platform for wedding celebrants in England and Wales ('the celebrants' survey'). This survey was informed by feedback from a small advisory group with knowledge of the profession, and refined in response to comments from a group of 14 pilot-testers who had a range of experience as wedding celebrants. It was disseminated via the Wedding Celebrancy Commission (WCC), an umbrella organisation for six celebrants' membership organisations and training providers, each of which has one representative on the WCC, and one person who represents celebrants who are not associated with any organisation. A brief online survey ('the WCC survey') included a question that asked respondents to state the number of celebrants to whom they had forwarded the link to the celebrants' survey.

The celebrants' survey was designed to be completed only by wedding celebrants who had conducted at least one wedding celebration ceremony in England or Wales in 2019 ('eligible celebrants'). The email containing the link to the celebrants' survey was forwarded to all celebrants on the mailing lists of the six WCC organisations; the WCC member who represents celebrants who are not associated with any organisation advertised the celebrants' survey on social media, and sent the email to celebrants who asked for it. There is no way of knowing, however, what percentage of all eligible celebrants received the email.

Information from the WCC survey indicated that the email was sent to 2,212 celebrants, and there were 517 responses to the celebrants' survey. It was known that many non-eligible celebrants would receive the email, because many celebrants conduct only funerals or other types of event, and some practise exclusively in Northern Ireland or Scotland. Of the 517 respondents, 230 exited the survey immediately because they were non-eligible. Their responses were discarded, and 287 responses from eligible celebrants (55.5 per cent of the total) were retained.

Some celebrants received more than one copy of the email, because they had received training from more than one provider and/or belonged to more than one membership organisation. An extrapolation of information provided by respondents about the number of copies of the email they

received suggested that only 1,754 individual celebrants received the link to the celebrants' survey.⁵ The best estimate for the response rate is 29.5 per cent (517 out of 1,754).

If the eligibility rate of 55.5 per cent were applicable to the 1,754 celebrants contacted, 974 eligible celebrants would have received the link to the survey. This estimated figure will be used later in this article.

As conversations with celebrants had revealed considerable variations in terminology, the celebrants' survey began with the following information:

For clarity and consistency, the following terms will be used throughout this questionnaire:

'wedding celebration ceremony': an event (other than a renewal of promises or vows taking place more than one year after a legally binding marriage ceremony) during which two people make a lasting commitment to love one another, but which has no legal effect;

'wedding celebrant': a person who conducts a wedding celebration ceremony.

Please answer all questions by telling me what you actually do or think (rather than what you believe to be the 'right' answer) with respect only to wedding celebration ceremonies that you conduct within England and Wales.

For brevity in the remainder of this article, 'ceremony' will be used instead of 'wedding celebration ceremony', and 'celebrant' instead of 'wedding celebrant'.

The growth in celebrants and ceremonies

Anecdotal evidence suggests that the last few years have seen a steep increase in the number of couples who choose to mark their commitment to each other with a celebrant-led ceremony. Two questions in the celebrants' survey sought to confirm the accuracy of this impression.

⁵ One survey question revealed that the 287 eligible respondents had collectively received 362 copies of the email. The survey was designed so that no respondent could submit it more than once, to avoid duplicated data, so there were 75 (362–287) surplus copies of the email that could not lead to responses, which represents 20.7% of the copies sent (75 out of 362) to eligible celebrants. If this percentage of surplus copies is assumed to apply to the 2,212 copies sent, the total number of surplus copies would be 458 (20.7% of 2,212), which suggests that 1,754 (2,212–458) individual celebrants received the link to the survey.

Respondents were asked to identify the year in which they started to practise as celebrants. Two respondents reported that they had started practising in 2003, one started in each of 2004, 2006 and 2007, and five in 2009. The growth in the numbers joining the profession was steady and significant in the decade from 2010–2019, and over half the respondents (154) began to practise in 2017–2019, as shown in Figure 1.

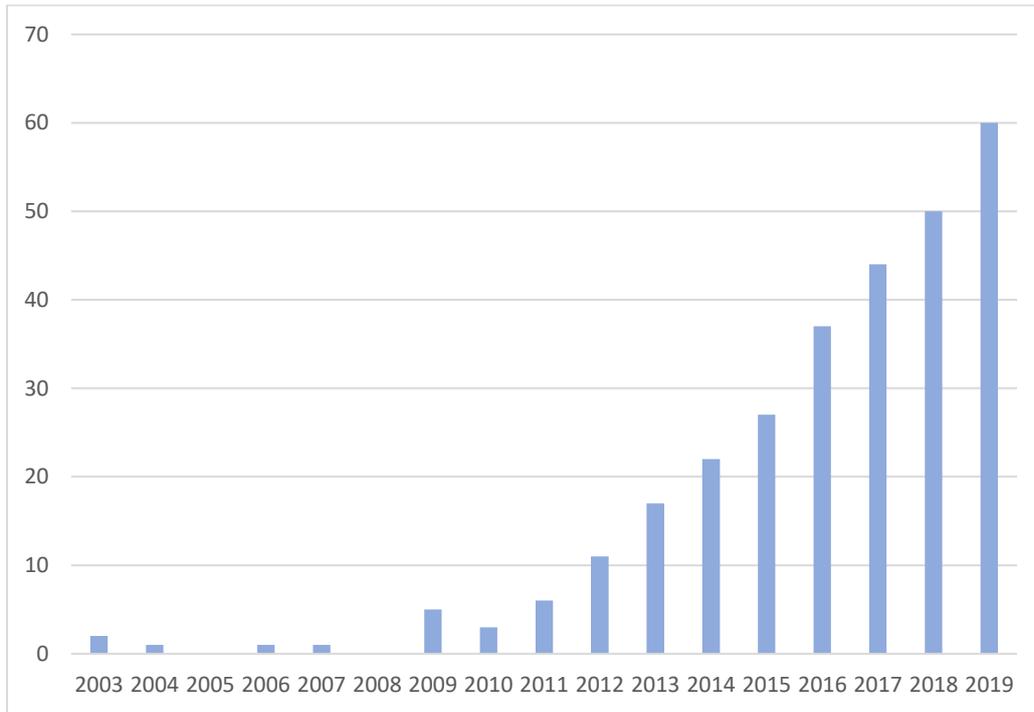


Figure 1: Years in which respondents started to practise

This significant recent growth in the number of celebrants is, unsurprisingly, mirrored in the growth in the total number of ceremonies they have conducted. Respondents were asked to indicate how many ceremonies they had conducted in each of the last five years. The options were presented as spans of 10 ceremonies, as no one on the advisory group knew what the answers might be. This question therefore yielded higher, lower and mid-range numbers of ceremonies conducted by respondents for each year from 2015–2019. In the event, fewer than 20 respondents had conducted more than 20 ceremonies in any year, and fewer than 11 had conducted more than 30. The results are shown in Table 1.⁶

⁶ Only two respondents reported having conducted over 100 ceremonies in any year. The response of 101–110 was retained, but the statement that one respondent had conducted more than 201 ceremonies in 2015 was discarded, on the basis that it was almost certainly a respondent error, and would significantly affect the figures for that year.

Year	Minimum	Maximum	Mid-range
2015	679	1,570	1,125
2016	805	1,930	1,368
2017	1,080	2,520	1,800
2018	1,287	3,150	2,219
2019	1,503	4,050	2,777

Table 1: Numbers of ceremonies conducted by respondents

If the numbers of ceremonies conducted by the 287 eligible respondents are extrapolated to all the eligible celebrants who are estimated to have received the link to the celebrants' survey, the total numbers of ceremonies conducted each year by the latter group would be as shown in Table 2.

Year	Minimum	Maximum	Mid-range
2015	2,304	5,328	3,816
2016	2,732	6,550	4,641
2017	3,665	8,552	6,109
2018	4,368	10,690	7,529
2019	5,101	13,745	9,423

Table 2: Estimated numbers of ceremonies conducted by estimated number of eligible celebrants

The best estimate of the number of ceremonies conducted in 2019 by the estimated 974 potentially eligible celebrants who received the link to the celebrants' survey is between 9,000 and 10,000. This is subject to a significant error range in both directions, but it seems very likely that the number of ceremonies in England and Wales has more than doubled since 2015.

The celebrants' survey thus supports the anecdotal evidence that the demand for celebrants' services is buoyant and burgeoning; the next section explores some possible reasons for this.

The couples who engage celebrants

Anecdotal evidence suggests that some couples may erroneously believe that a celebrant-led ceremony constitutes a legally binding wedding. It was therefore important to explore whether couples were opting for ceremonies before, after, or instead of getting married.

All except four of the 287 respondents indicated that, when they discussed conducting a ceremony for a couple, they would always, usually or sometimes ask about the couple’s marital intentions. These 283 respondents were asked to report, to the best of their knowledge, the intentions of the couples for whom they had conducted ceremonies in 2019. The answers were again presented as spans of numbers, owing to uncertainty as to what the answers might be; as before, Figure 2 shows the minimum, maximum and mid-range figures for each category.

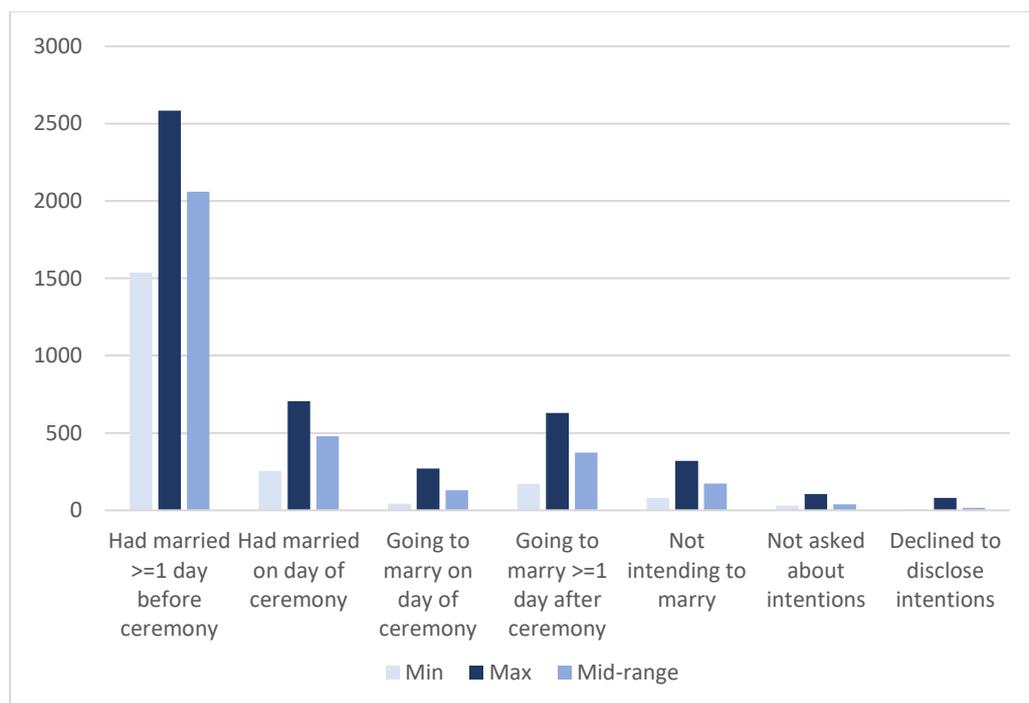


Figure 2: Marital intentions of couples in ceremonies conducted by respondents in 2019

These data show that 70–85 per cent of couples were already married at the time of the ceremony. A further 10–19 per cent stated that they intended to marry after the ceremony. Only 3–6 per cent stated that they did not intend to marry, and the intentions of 1–4 per cent were not known.

It is obvious that the huge majority of couples who had opted for respondent-led ceremonies did want to be legally married, and they appreciated that their ceremony would not result in their becoming spouses. They were therefore not opting out of marriage, but were expressing their dissatisfaction with the forms of marriage ceremony available to them. They were willing to organise – and pay for – two ceremonies in order to achieve the legal outcome that they wanted, and to participate in an event that they hoped would provide them with lifelong happy memories.

Hundreds of couples stated that they intended to marry on the same day as their ceremonies, and almost three-quarters of those were planning to marry before the ceremony. The preference for marrying before the ceremony suggests a desire to ‘get the legal bit over and done with’, and then have the ceremony of their choice.

A key piece of information in gaining an insight in to the work of celebrants is why couples choose to participate in ceremonies. The limited funding and scope of the project precluded my having access to couples so, as a proxy for their reasons, I asked respondents how many of the couples for whom they had conducted ceremonies in 2019 fitted, to the best of their knowledge, 18 possible descriptions that drew on feedback from the advisory group. Again, the options were presented as spans of numbers, and the minimum, maximum and mid-range figures are shown in Figure 3, in which – for practical reasons – the descriptions have been significantly abbreviated. The full descriptions presented to participants are used in the discussion below.

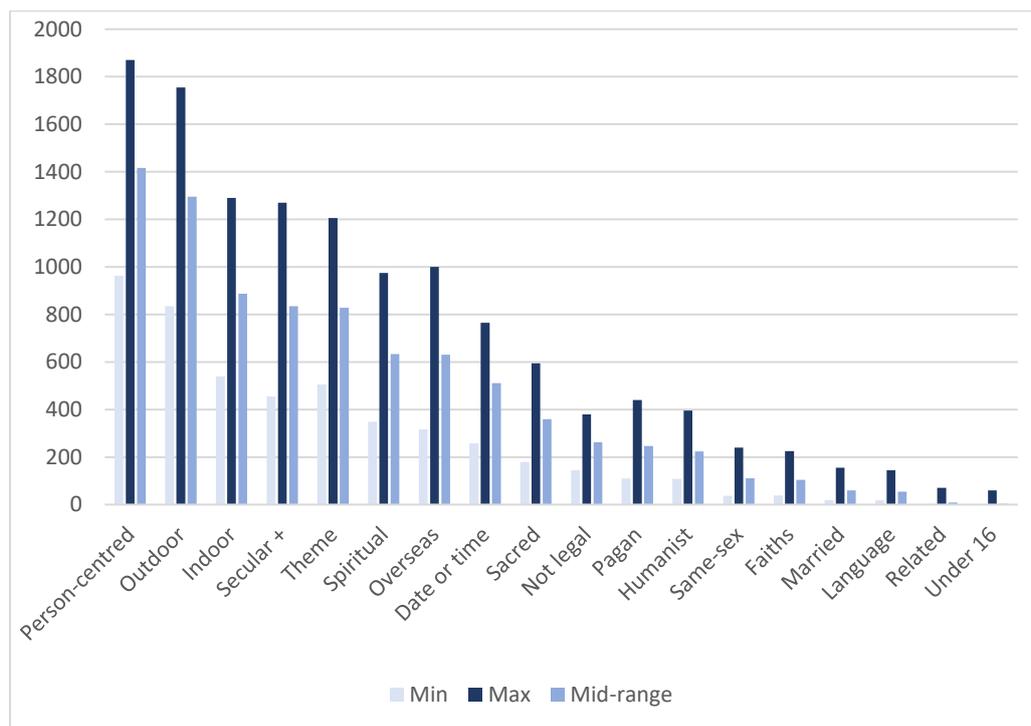


Figure 3: Descriptions of couples in ceremonies conducted by respondents in 2019

The most popular reason for engaging respondents is that couples wanted a ‘person-centred’ ceremony:⁷ one that was unique to them, and reflected their beliefs, personalities and lifestyles. A significant amount of personalisation is now available to couples who have civil weddings at venues

⁷ This is the category ‘person-centred’ in Figure 3.

other than register offices, but such ceremonies are still subject to constraints that are unacceptable to some couples. The degree of personalisation provided by respondents will be discussed in detail in the next section of this article, and is potentially within the scope of the Law Commission's *Weddings* project.

Many of the other reasons that led couples to participate in ceremonies are also, potentially, within the scope of *Weddings*, but are not permitted under the current legislation for civil weddings. The second and third most popular reasons for respondent-led ceremonies were related to venues: large numbers of couples wanted to marry outdoors, or in indoor premises that were not approved premises for legally binding marriage ceremonies.⁸ For many other couples, the difficulty lay in the content that they wanted in their ceremonies. Some wanted a ceremony that was principally secular, but included some words, readings, music or rituals based on religious or cultural traditions; some wanted their ceremony to have a theme that the Registration Service would not, or could not, accommodate; some wanted a spiritual ceremony; some wanted a sacred ceremony that encompassed beliefs from more than one religion; some wanted a pagan ceremony; some wanted a humanist ceremony; some would have liked a religious ceremony, but were denied one because they were same-sex; and some would have liked a religious ceremony, but were denied one because they were of different faiths (including one person having no faith).⁹

Some of the reasons why couples chose ceremonies are practical, and could not be accommodated by changes in the law. There were some couples whose legally binding marriage had taken place, or was planned to take place, overseas; some where one person or both people wanted a wedding-style celebration of their relationship without the formal legal commitment of a marriage; and some whose ceremonies had been conducted in a language other than English or Welsh.¹⁰ The couples who wanted their ceremony to take place on a date, or at a time, that the Registration Service would not, or could not, are also regarded as having chosen ceremonies for a practical reason, because there are no legal restrictions on the times or days on which Superintendent Registrars may conduct wedding ceremonies.¹¹

⁸ These are, respectively, the categories 'outdoor' and 'indoor' in Figure 3.

⁹ These are, respectively, the categories 'secular +', 'theme', 'spiritual', 'sacred', 'pagan', 'humanist', 'same-sex' and 'faiths' in Figure 3.

¹⁰ These are, respectively, the categories 'overseas', 'not legal' and 'language' respectively in Figure 3.

¹¹ This is the category 'date or time' in Figure 3. Details of the legislation that effected this change in the law are given below, n 39.

A small number of couples who chose ceremonies would not be able to marry under the current law of England and Wales for reasons that are not within the scope of *Weddings*. They were couples where one person was, or both people were, at the time of the ceremony, married to someone else, couples who were related to one another in the ways identified in the First Schedule to the Marriage Act 1949, and couples where one person was, or both people were, at the time of the ceremony, aged under 16.¹²

Ceremonies

The celebrants' survey asked respondents to describe the most unusual feature of any ceremony that they had conducted. Exactly half the respondents (144) did not provide an answer, and one of the 143 answers rebuked me for asking an inappropriate question:

‘Nothing is unusual if its what the couple wants, I'm really proud of all the ceremonies I have conducted but would not want the couples to be judged or for their decisions to be sensationalised by being mentioned here. Also anything mentioned could be identifiable to that couple, as they are all unique. Sorry’.

The purpose of this question was to discover the kinds of ceremonies and content that couples request. The answers provide a richly detailed insight into the variety of ways in which couples choose to celebrate their relationships. These are broadly classified under two headings – ‘Venues’ and ‘The content of ceremonies’ – and analysed against the current law, the literature, the possible future law and, briefly, the law governing weddings in Scotland.

Venues

As noted above, many couples who chose respondent-led ceremonies had wanted to marry either outdoors, or in indoor premises that were not approved premises for civil weddings (APs). If these two categories are grouped together, they form a significant overall majority of the couples whose ceremonies were reported by respondents. This evidence of a demand for a less restricted range of venues than is currently available exists despite significant legal changes in the last quarter-century, so it is appropriate to begin by briefly reviewing how the law has developed, and identifying the constraints that still exist.

¹² These are, respectively, the categories ‘married’, ‘related’ and ‘under 16’ in Figure 3.

When it was passed, the Marriage Act 1949 – which consolidated laws that had remained largely unchanged since 1837¹³ – provided that, in England and Wales, couples could marry either in an Anglican ceremony after having had their banns read or, after formally giving notice, in a civil ceremony in a register office, in a place of worship registered for marriages – a ‘registered building’ – or according to Jewish or Quaker usages.¹⁴

An alternative became available to couples following a letter sent in the early 1990s by Evelyn Graybill to her MP, Gyles Brandreth, pointing out the anomaly that people could hold wedding receptions, but not actually marry, at Peckforton Castle in Cheshire, which she had converted into a hotel. Brandreth agreed with Graybill’s comment that it was unfair that religious people could marry in cathedrals, but no comparably imposing settings were available to non-religious people. He therefore introduced the Private Member’s Bill that became the Marriage Act 1994, which he describes as having made weddings ‘better and happier and brighter’.¹⁵ Section 1 of the 1994 Act amended the 1949 Act so as to enable couples to marry in APs, marking the introduction of ‘venue weddings’.¹⁶

The option of marrying in APs, which has existed since 1 April 1995, led to a significant increase in the popularity of civil weddings in England and Wales.¹⁷ From 1837 until 1994, the proportion of civil weddings had steadily increased – generally in increments of 1 per cent – from 1 per cent to 52 per cent. In 1995, 54.9 per cent of all weddings were civil rather than religious, and 0.9 per cent of weddings were held in APs; in 1996, these figures jumped to 58.8 per cent and 5.5 per cent respectively. The 164,158 civil ceremonies conducted in 1996 represented an increase of 8,668 over 1995, but there were 12,714 more weddings in APs, suggesting that some couples who might formerly have married in religious settings were choosing APs instead.¹⁸ The summary data are shown in Table 3.

¹³ Civil marriage was introduced in An Act for Marriages in England (6 & 7 William IV c 85), which came into force on 1 July 1837.

¹⁴ Marriage Act 1949.

¹⁵ BBC News, ‘Gyles Brandreth’s Marriage Act 1994 and wedding rules’, *The Daily Politics* (2011) 17 June, www.bbc.co.uk/news/av/uk-politics-13754095/gyles-brandreth-s-marriage-act-1994-and-wedding-rules, last accessed 11 March 2020.

¹⁶ Marriage Act 1994: s 1(1) amends the Marriage Act 1949, section 26(1) by inserting: ‘(bb) a marriage on approved premises’, and s 1(2) inserts section 46A, which enables the Secretary of State to make regulations dealing with the details of how premises may become approved.

¹⁷ The Marriage Act 1994 (Commencement No. 2) Order 1995 (SI 1995/424), art 2(2).

¹⁸ Office of National Statistics, *Dataset: Marriages in England and Wales 2016*, www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/datasets/marriagesinenglandandwales2013, last accessed 11 March 2020.

Year	Total weddings	Civil weddings	Weddings on APs	Civil weddings as percentage of total	APs weddings as percentage of total	APs weddings as percentage of civil
1996	278,975	164,158	15,210	58.8	5.5	9.3
1995	283,012	155,490	2,496	54.9	0.9	1.6
1994	291,069	152,113		52.3		

Table 3: Civil and approved premises weddings in England and Wales, 1994–1996

It is unsurprising that the largest increase occurred in the calendar year after APs became available, since many weddings are planned at least a year in advance. Since 1996, the proportion of mixed-sex weddings held in APs has increased steadily, usually at 3–4 per cent per year, and in 2016 (the last year for which figures are available), 68.2 per cent of all mixed-sex weddings, and 90.5 per cent of mixed-sex civil weddings, were held in APs.

For many same-sex couples, the only possible wedding venues are register offices or APs. Paul Johnson and Robert Vanderbeck have noted that, when civil partnerships were introduced in the UK on 5 December 2005, the law ensured that they were obviously different from marriage, in that they were permitted only on civil premises.¹⁹ As Frank Cranmer has pointed out, however, the Society of Friends – which had been sympathetic to same-sex couples since a few years before their relationships became lawful – was ultimately successful in promoting the idea of civil partnerships being held on religious premises.²⁰ Legislators were, however, clearly alert to the fact that same-sex relationships are regarded as a sin by some religious groups; the law states that: ‘For the avoidance of doubt, nothing in this Act places an obligation on religious organisations to host civil partnerships if they do not wish to do so.’²¹ When, on 13 March 2014, it became lawful for same-sex couples to marry in England and Wales,²² similar limits on venues were imposed. Such weddings may now take place on religious premises if the religious community opts to permit this, but most do not, and the Church of England and the Church of Wales are, at their own request, expressly excluded from doing

¹⁹ P Johnson and RM Vanderbeck, ‘Sacred Spaces, Sacred Words: Religion and Same-Sex Marriage in England and Wales’ (2017) 44(2) *Journal of Law and Society* 228.

²⁰ F Cranmer, ‘Quakers and the Campaign for Same-Sex Marriage’ in R Sandberg (ed) *Religion and Legal Pluralism* (Routledge 2016).

²¹ Equality Act 2010, s 202.

²² Section 1 of the Marriage (Same Sex Couples) Act 2013 was brought into force by The Marriage (Same Sex Couples) Act 2013 (Commencement No. 2 and Transitional Provision) Order 2014 (SI 2014/93).

so.²³ These features have been characterised as two aspects of the 'quadruple lock' that prevents religious organisations from being compelled to conduct same-sex marriages; the others are that there is no compulsion to opt in, and that the relevant legislation expressly states that it is not contravening the Equality Act if an organisation does not conduct same-sex marriages.²⁴ It is notable that those who drafted the Act felt it necessary to include the tautologous statement that 'A person may not be compelled by any means... to undertake an opt-in activity'.²⁵ Johnson and Vanderbeck consider that this level of protection exists 'because of the acquiescence of legislators to religious intolerance of homosexuality'.²⁶

The effect of the 'quadruple lock' has been described as leading to same-sex couples being 'almost completely denied access to a mainstream social and cultural practice'.²⁷ It is therefore unsurprising that same-sex marriages are almost exclusively civil: the numbers of same-sex marriages on religious premises were 23, 44 and 61 in 2014, 2015 and 2016 respectively. The percentage of same-sex civil marriages that are conducted in APs has increased every year, reaching 88.7 per cent in 2016, indicating that few couples prefer the simplicity of a register office ceremony.

The increase in demand for civil marriages since APs became available is a manifestation of what John Walliss terms 'a general erosion of ecclesiastical control over weddings'.²⁸ His interviews with couples suggested that the enduring relative popularity of religious weddings in an increasingly secular society arises because of tradition, the influence of others (particularly parents, who might be paying for the wedding), and aesthetic considerations. Walliss found that religion played a greater part in the wedding venue choices of couples who were not religious: they tended to mention the hypocrisy of marrying in a church while having no Christian faith.²⁹

The popularity of APs indicates couples' wishes to have ceremonies in attractive venues but, although the Marriage Act 1994 triggered a revolution in where weddings could take place,

²³ Religion Media Centre, *Sexuality, Same-Sex Marriage and the Church, February 2018* <https://religionmediacentre.org.uk/factsheets/sexuality-same-sex-marriage-and-the-church-february-2018/>, last accessed 31 March 2020.

²⁴ Johnson and Vanderbeck, above n 19, at 244.

²⁵ Marriage (Same Sex Couples) Act 2013, s 2(1).

²⁶ Johnson and Vanderbeck, above n 19, at 245.

²⁷ Ibid, at 246.

²⁸ J Walliss, 'Loved the Wedding, Invite Me to the Marriage': The Secularisation of Weddings in Contemporary Britain', 2002 *Sociological Research Online* 7(4) at 2.7.

²⁹ Ibid.

significant restrictions remain. The law includes four constraints that would exclude many of the venues in which respondents have conducted ceremonies.

The first constraint is that APs must be ‘a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored’.³⁰ The word ‘room’ is, surprisingly, not defined in the legislation, which contrasts sharply with the with clear definitions of ‘enclosed’ and ‘substantially enclosed’ premises in anti-smoking law.³¹ The latter has led to the construction of smoking shelters with one short side and one long side being open, but more sparse structures are advertised as wedding venues, including a ‘licensed wedding beach’ and ‘a range of different-sized tents to suit weddings of all dimensions’,³² as well as some canopy-style structures that resemble open-sided bandstands.³³

Responses to the celebrants’ survey, however, demonstrate that the existence of such structures does not meet the demand to marry in picturesque natural settings. Respondents reported having conducted ceremonies in fields, orchards, woods, forests, stone circles, ruined castles, an Italian olive grove, a tree cathedral and a vineyard; on Dartmoor, a clifftop, beaches, and ‘the Torglstonbury’; beside several rivers and one waterfall; and at the Northumberlandia outdoor sculpture. The transport arrangements for some ceremonies necessitated outdoor settings: the guests had arrived by boat for one ceremony on the riverbank where the couple had met, one bride had ‘arrived on her horse’ and another had been ‘on horseback, held in an arena outdoors with spiritual element’. One respondent reported a ceremony whose logistics depended on trees: it had included ‘7 members of a well known Brass Band hiding in the woodland surrounding our ceremony area and popping up on cue to surround the 200 guests as the couple kissed, before playing them out of the woods with "It Must Be Love"!’.

The requirement of permanence excludes temporary structures, which would not suit the couples who had participated in ceremonies conducted by six respondents at music festivals – including one *Monty Python*-themed ceremony on a stage – or the one who had held their ceremony at a ComicCon event while dressed as Harley Quinn and a Power Ranger. Couples who celebrated their relationships with movement would have fallen foul of the point that a wedding venue must be

³⁰ This requirement was introduced in section 2(1) of the Marriages (Approved Premises) Regulations 1995 (SI 1995/510), and is unchanged in the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168).

³¹ The Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368) reg 2(1) and 2(2).

³² www.theweddingsecret.co.uk/wedding-venues-cornwall, last accessed 31 March 2020.

³³ bridebook.co.uk/article/26-outdoor-wedding-venues-with-glorious-spaces, last accessed 31 March 2020.

‘permanently immovable’. Three respondents had conducted ceremonies on moving boats, and one reported a ceremony in a hot-air balloon. Two couples had been rather more daring on their special days: separate respondents reported freefall parachuting, and a mountain in Spain ‘after which the couple hoped to paraglide off’.

The second constraint is that APs must be ‘a seemly and dignified venue for the proceedings’.³⁴ As Rebecca Probert has pointed out, some venues that are advertised for weddings seem to flout this condition: she highlights examples of a casino and supermarkets.³⁵ The celebrant who reported having conducted two ceremonies in an ‘S&M dungeon’ would certainly not have been depriving a Superintendent Registrar of the opportunity to conduct a marriage under the current – or any probable future – law. It is unclear whether the sale ring of a local cattle market (the celebrant ‘was in the auctioneer’s box and had to bang the hammer when I declared them husband and wife’) or ‘a theatre made to look like a woodland burrow with sound effects coming through the speaker system’ would be regarded as ‘seemly and dignified’. It is also debatable whether the ceremonies reported as having been conducted in, or on, water would have met this requirement. One respondent reported five ceremonies that had taken place underwater. Another ceremony had taken place in the sea – ‘the couple, myself and the best man were in the water to our knees and the guests were on the shoreline’ – and two respondents who had remained on dry land mentioned couples who had ‘got married on the river on paddle boards while I was on the river bank’, and who had ‘their ceremony in a rowboat in the middle of a lake via microphone’.

The third constraint is that APs must be ‘regularly available to the public to use for weddings’.³⁶ The Law Commission found that:

The fact that a number of modest private dwellings have achieved the status of approved premises (but do not advertise as such) suggests that approval is effectively being sought for individual weddings to take place at home.³⁷

Respondents reported several ceremonies that had taken place in, or on, property with strong personal or family connections. These included gardens, farms, a garden centre owned by the bride’s father, and a ceremony in which the (unspecified) family pet had been included in a

³⁴ Marriage and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168), Sch 1, para 1.

³⁵ R Probert, ‘A uniform marriage law for England and Wales?’ [2018] CFLQ 259.

³⁶ Marriage and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168), Sch 1, para 2(a).

³⁷ Law Commission, *Getting Married – A Scoping Paper*, 17 December 2015, para 1.29.

ceremony on ‘the couple’s own land’. It is unlikely that any of these settings would meet the public-availability requirement for APs. The number of examples of private venues might be low because respondents were asked to describe the most *unusual* ceremonies that they had conducted and, in their experience, home-based ceremonies might be quite common.

The fourth constraint is that no food or drink may be consumed in the ceremony room for an hour before the ceremony, or while it is being conducted.³⁸ This would mean that the couples who participated in celebrant-led ceremonies in a Pizza Express restaurant and ‘a b&b’ could not have married in their chosen venues. It would also have denied the ceremonies of their choice to a number of couples who, during their ceremonies, replaced the traditional celebratory champagne with beverages that held significance for them. One had blended Jack Daniels and Coke, another had provided Limoncello for all the guests because they had got engaged in Italy, and a third had provided petal syrup. Two respondents provided strikingly similar accounts: ‘a “wine ceremony” with hand-made cocktails, shaken by the couple and drunk in front of their guests’, and ‘the creation of a “unity cocktail”, in which the bride and groom invented a cocktail to represent different elements of their lives, interests, backgrounds and heritages. They blended the cocktail during their ceremony, as a symbol of their marriage, and then shared it among all their guests as a toast.’ One respondent described a ceremony blending Chinese and English traditions: this resulted in ‘tea and cake’, which would clearly flout both aspects of this constraint.

Some of the places in which respondents had conducted ceremonies could, potentially, have been APs under the current law, subject to their meeting the constraints described above. These are a rugby club, a mediaeval barn where the words were on scrolls, two railway stations, ‘an (empty) gentlemen’s swimming pool’, ‘deconsecrated churches, ruined and otherwise’, a boathouse, and ‘a billet hut at an alternative art gallery which is formed from a reclaimed quarry’.

Since 1 October 2012, weddings have been permitted at any time of day or night,³⁹ but a number of respondents reported the time when some ceremonies occurred as being their most unusual feature. It is likely, however, that most of the ceremonies conducted at dawn, dusk (one ceremony was lit only by fairy lights), sunset, evenings, at night and at midnight on new year’s eve took place outdoors. The ceremony reported as taking place at midnight on Hallowe’en in ‘the ruin of a leper hospital’, would probably – even if the hospital still had a roof – not have met the requirement of

³⁸ Marriage and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168) Sch 2, para 7.

³⁹ Protection of Freedoms Act 2012, s 114; The Protection of Freedoms Act 2012 (Commencement No. 3) Order 2012 (SI 2012/2234) art 3(m).

being ‘seemly and dignified’. It is therefore likely that the venues for these ceremonies would have failed to meet all the requirements for APs.

The constraints imposed on where weddings may take place have long been recognised as problematic by governments of all political persuasions. A consultation conducted by the Labour Government in 1999 found that 83 per cent of respondents ‘thought that people should either be able to get married anywhere or, more popularly, that a greater choice of venues should be provided’.⁴⁰ The resulting White Paper was never translated into law, and the matter remained unresolved. The Coalition Government of 2010–2015 consulted on whether laws should be brought forward to permit marriages to be created in non-religious belief ceremonies, and a majority of respondents were in favour of such ceremonies being permitted ‘in unrestricted locations, including outdoors’.⁴¹ In 2015, the Law Commission set out a number of reasons why the law governing getting married was ‘in dire need of reform’⁴², and identified ‘the question of where marriages can take place’ as an ‘overarching issue’.⁴³ The 2017–2019 Conservative Government appeared to be particularly alert to some couples’ desire to marry outdoors. In the 2018 budget, Philip Hammond announced that the Government had asked the Law Commission to ‘propose options for a simpler and fairer system to give modern couples meaningful choice... including... lowering the cost of wedding venues for couples’,⁴⁴ and a Press Release in June 2019 announced that, separately from the Law Commission’s review,⁴⁵ the Government would ‘accelerate plans to allow civil weddings and civil partnerships to be held outside and will look to implement these through secondary legislation, subject to any necessary consultation’, while noting that ‘[a]ny new venues would have to meet the existing test of solemnity and dignity’.⁴⁶

⁴⁰ CM5355, *Civil Registration: Vital Change – Birth, Marriage and Death Registration in the 21st Century*, January 2002, at 48.

⁴¹ Ministry of Justice, *Marriages by Non-Religious Belief Organisations: Summary of Written Responses to the Consultation and Government Response*, 18 December 2014, at 4. Available at assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388986/marriages-by-non-religious-belief-organisations.pdf, last accessed 31 March 2020.

⁴² Law Commission, above n 37, at para 4.73.

⁴³ Law Commission, above n 37, at para 4.76.

⁴⁴ HM Treasury, *Budget 2018*, HC 1629, October 2018. Available at assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752202/Budget_2018_red_web.pdf, last accessed 31 March 2020.

⁴⁵ This aspect is within the scope of the Law Commission’s *Weddings* project.

⁴⁶ Prime Minister’s Office, 10 Downing Street, Ministry of Justice, The Rt Hon David Gauke MP and The Rt Hon Theresa May MP, *First ever marriage review to free-up dream wedding venues*, 28 June 2019. www.gov.uk/government/news/first-ever-marriage-review-to-free-up-dream-wedding-venues, last accessed 3 April 2020. The requirement that approved premises be ‘a seemly and dignified venue for the proceedings’ comes from The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168), Sch 1 para 1.

There is no indication about whether the restriction on food or drink is, or might be, considered in either of the current reviews of the law. The prohibition may be for practical reasons, such as the risk of spillage, but its existence could be due to the profound symbolism of food in religious practices such as the Jewish Seder, the Christian Eucharist, the Muslim Iftar, and the Hindu Vedic sacrifice. Only time will tell whether the Law Commission considers that this relatively minor aspect of wedding law serves any useful purpose in the twenty-first century.

Couples who marry in Scotland already benefit from a liberal regime regarding venues: the range of religious premises in which they may marry is greater than it is in England and Wales, and the sole constraint is that the venue for a civil marriage is ‘an appropriate place’, which is defined simply as somewhere ‘agreed between the parties... and the local registration authority’ that is ‘not religious premises’.⁴⁷ Murray McClean’s empirical work into Scottish weddings includes what he describes as a ‘fundamental truth’ about weddings: ‘venues matter’.⁴⁸ While it is possible that Scottish registrars or religious officiants might balk at some of the venues in which respondents have conducted ceremonies, it seems likely that the vast majority of couples’ choices would have been permitted. The adoption in England and Wales of a venue-related scheme similar to Scotland’s would mean that almost all couples could marry wherever they wish, and is therefore something that the Law Commission should carefully consider.

The content of ceremonies

A transformation in the potential content of civil weddings has occurred in the last 25 years. The celebrants’ survey shows, however, that many couples request elements that would not be acceptable in a wedding ceremony because of either the law, or Superintendent Registrars’ judgement. Again, a brief review of changes in the law will be helpful in setting contemporary couples’ wishes in context.

Until 1995, all civil ceremonies were brief and austere: the couple said only the prescribed declarations and contracting words,⁴⁹ then they, the Superintendent Registrar who had conducted

⁴⁷ Marriage (Scotland) Act 1977, s 18(1), which was inserted by the Marriages and Civil Partnership (Scotland) Act 2014, s 21.

⁴⁸ M McClean, ‘Beyond belief: the law and practice of marriage formation in contemporary Scotland’ [2018] CFLQ 237 at 250.

⁴⁹ These are set out in the Marriage Ceremony (Prescribed Words) Act 1996, s 1, which amends the Marriage Act 1949, ss 44(3) and 45, to offer three alternative forms of wording from which the parties can choose to make the prescribed declaration that that they know of no legal reason why they may not be married to the other, and then two alternative ways of stating that they take the other to be their ‘wedded wife [or husband]’.

the ceremony, the registrar who had registered the marriage, and the two witnesses signed the register, the whole process taking less than 15 minutes. There was no opportunity for a couple publicly to declare their love for one another, though some Superintendent Registrars would solemnly pronounce 'You may now kiss the bride' at the end of the proceedings.

The potential content of civil weddings ceremonies became significantly greater on 1 April 1995. As well as providing details about the law governing APs, regulations made under the Marriage Act 1994 specified, *inter alia*, that 'the arrangements for and content of each marriage ceremony must meet with the prior approval of the Superintendent Registrar'. Since then, many civil weddings have included personalised enhancements, such as vows that the couple have written themselves, readings and music.⁵⁰ Wallis found that this was a major reason why many couples chose to marry in APs: they could decorate the venue as they wished; choose their own secular music; write their own vows; and add elements including poetry, music, readings and 'more novel expressions of their individuality'.

Despite these changes, limitations remain. A civil wedding – whether on approved premises or in a register office – cannot include material that is 'religious in nature',⁵¹ and non-statutory guidance from the Registrar-General gives further information about how this constraint should be applied.⁵² A significant number of respondents reported having conducted ceremonies that included some religious elements, and it is likely that many of the couples involved would have chosen to marry during their ceremonies if the law had permitted this.

Pagan ceremonies or handfastings were reported by four respondents, one had conducted a "pagan-themed" (emphatically NOT a "pagan wedding"), and another had conducted a ceremony 'atop an Iron Age fort for a pagan and a half-Jew, combining features from both religions'. After one ceremony on a bandstand, the public had joined the guests in a pagan ceremony of tossing pebbles into a river to wish the couple luck. Another outdoor ceremony involved 'a couple... who wanted their magic and life numbers included in the ceremony as well as the fact that they were both Pisces. They opted for a spiritual "throwing crystals" in the sea ritual'. Another respondent described a

⁵⁰ Walliss, above n 28, at 3.15.

⁵¹ The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168), Sch 2, para 11(1). The Marriage Act 1949 s 45(2), which refers to marriages in register offices, states: 'No religious service shall be used at any marriage solemnized in the office of a Superintendent Registrar'.

⁵² The General Register Office helpfully provided me with the Registrar-General's guidance, which is contained in the *Handbook for Registration Officers – Marriage* and circulars from the General Register Office, for a previous research project (Official correspondence from the General Register Office, part of her Majesty's Passport Office, 22 March 2016).

ceremony in which 'friends and family were smudged with sage before entering the outside woodland venue and drumming was part of the ceremony a dog brought the rings in and I sung their blessings'. In a similar spiritual vein, one respondent described 'an "elemental blessing of the rings" at a sacred/spiritual outdoor wedding, during which the rings were passed through water (from a stream next to us), touched onto a stone (from a place that was special to the couple), passed through a flame and passed through incense to represent air'. Perhaps surprisingly, the most common specific descriptor in respondents' reports of ceremonies was 'Viking': one respondent had conducted six Viking ceremonies, and five others mentioned Viking elements, including drinking from a Viking horn and receiving an oath ring.⁵³

Two respondents described ceremonies that appeared to draw on only one conventional religious tradition: a 'wedding ceremony using particular version of the bible', and an event where an American Mormon couple 'had the groom and his party do the procession'. A greater number of ceremonies had involved blending elements from different religions and cultures, two of which had included drinking during the ceremony. One celebrant reported an event involving a Catholic prayer, rituals including presenting flowers to a statue of the Virgin Mary, a lasso, a Mexican exchange of coins, and drinking alcohol during the ceremony – the last was 'Mexican and also formed part of their love story, as they were drinking this when they met'. A Jewish–French ceremony had incorporated 'sharing a cup of wine, seven blessings, smashing of the glass and the signing of a certificate by the many "temoins" (French groomsmen)'. Other reported ceremonies included 'two fusion weddings combining atheism (bride) and Jewish traditions (groom) incl circling, Hebrew prayer and jumping on the glass'. One celebrant had conducted a Hindu-inspired wedding – for which 'a Mandap had been built and the ceremony content contained all the elements of a traditional Hindu wedding, interspersed with explanations for those attending not of the Hindu faith' – in a marquee, following their wedding in the local Anglican church. An event conducted jointly by a celebrant and a Hindu priest had taken place at a hotel: 'This ceremony had lots of rituals in line with Hindu faith and traditions. I then did a version of the British vows, ring blessing and ring exchange.'

Further limitations on the content of ceremonies may be imposed by Superintendent Registrars, who have a considerable degree of discretion over the content of weddings that they conduct.⁵⁴

⁵³ It is unclear from respondents' accounts whether these ceremonies were seen as having religious or spiritual significance.

⁵⁴ The content of a wedding ceremony must be agreed by the Superintendent Registrar who conducts that ceremony. The law provides for only one Superintendent Registrar for each registration district, but the popularity of civil weddings means that many registration officers have more than one title, including Deputy

Working with Probert, I conducted a survey of registration officers ('the ROs' survey') in order to ascertain whether various words and rituals (real and invented) would be permitted. We found that one invented vow including the word 'bloody' would not have been permitted by almost half the respondents because it might have offended some guests.⁵⁵ It seems likely that a larger number of registration officers would have been uneasy with the ceremony that one respondent to the celebrants' survey described as having included quotations 'from many different sources that the couple were interested in, including Stranger Things, Harry Potter, musical theatre and RuPaul's Drag Race. It concluded with RuPaul's phrase "Good luck - and don't f*!k it up".'

Many of the respondents to the ROs' survey would not have permitted some religious and invented rituals for non-religious reasons, including health and safety considerations, the time that the ritual would take, and practicality.⁵⁶ Perhaps surprisingly, however, 77 per cent would have allowed the joint candle-lighting ceremony that occurs in Anglican and Catholic marriage services – this is presumably the ritual described by one respondent to the celebrants' survey as a 'unity candle'. On the other hand, registration officers would probably have had duration-related concerns about a cosplay ceremony that 'included reenactments and guest participation'; and health and safety-related worries about reports of a 'ring warming ceremony', 'an ancient fire ceremony' (this was part of a ceremony during which the couple had bare feet), a 'symbolic ritual of hitting a circus striker with a mallet', 'a sword and chalice ring exchange', or an 'exchange of swords and flaming torches'. It also seems unlikely that the same-sex ceremony in which the brides had entered with five bridesmaids each would have met registration officers' requirement of practicality, unless the venue included a very large area for the principal participants. Similar considerations might have prompted registration officers not to permit active audience participation in at least some of the ways that respondents reported: guests had taken part in singalongs, made promises to support the couple, written messages on small pieces of ribbon, taken part in a ring blessing, made 'pop up speeches', and written their names on separate pieces of 'a massive jigsaw puzzle'. The rituals identified by respondents to the celebrants' survey as 'sand blending', 'sand ceremony', 'ceremony of seven circles from an Indian wedding ceremony', 'a Rose Unity Ceremony that involved 36 female members of the Bride and Grooms families', and a ceremony in which a 'beautiful array of ribbons

Superintendent Registrar and Additional Superintendent Registrar, so that they can conduct or register ceremonies as required.

⁵⁵ S Pywell and R Probert, 'Neither sacred nor profane: the permitted content of civil marriage ceremonies' [2018] CFLQ 415.

⁵⁶ Ibid.

contributed by 13 guests... were tied by the couple into an Infinity Knot' seem unlikely to have been permitted by registration officers for equally pragmatic reasons.

Half the respondents to the ROs' survey would not have been willing to place a ceremonial scarf around the newly-weds' hands. None, however, recognised it as an Anglican custom, and several regarded it as a form of handfasting, which is specifically prohibited by the Registrar-General's guidance because it is 'an ancient pagan ritual'.⁵⁷ Handfasting was the type of event most frequently mentioned by respondents to the celebrants' survey: 10 respondents reported conducting one or more ceremonies of this type. One celebrant described two blended ceremonies: a Celtic handfasting blended with a Hindu fire ceremony, for which the celebrant wore 'a long flowing handfasting dress', and a handfasting that 'acknowledged the Bride's Greek heritage with allusion to Greek mythology and the Groom's Scottish heritage by including a celtic influence to the ritual'.

As part of the same project with Probert, I conducted a survey that asked couples about any vows or rituals that they had requested. Few respondents to that survey mentioned rituals, although one couple who had asked for their dogs to be included in the ceremony were waiting to hear whether their Superintendent Registrar would permit this.⁵⁸ By contrast, several respondents to the celebrants' survey reported ceremonies where rings had been carried by dogs, and others stated that meercats, an owl, a bird, and a goat had performed this role in ceremonies. Animals had other tasks, too: the people in one 'wedding party' had been accompanied by dogs as they walked down the aisle, and dogs had been bridesmaids at another ceremony. One couple's ceremony had included 'several important members of the family; horses, dogs, goats, sheep and an alpaca'. Many of these ceremonies would have needed significant modification if they were to be regarded as practical by registration officers – indeed, one respondent to the ROs' survey specifically commented that 'Our Authority does not allow animals to be part of the ceremony.'⁵⁹

The 'wine box ritual' identified by one respondent to the celebrants' survey would definitely be allowed by at least one English registration service; given that it did not involve 'any religious content, and as no alcohol is being sold or consumed during the ceremony, we could see no reason to decline the request. We will happily include anything that does not detract from the dignity and solemnity of the occasion, does not break the law and does not breach the terms of the approved

⁵⁷ *Handbook for Registration Officers – Marriages*, above n 52.

⁵⁸ Pywell and Probert, above n 55.

⁵⁹ *Ibid*, at 430.

premises licence'.⁶⁰ This reasoning presumably means that some of the other rituals reported by respondents – 'Egyptian drumming', 'use of rune stones', 'the Knot a Veil ritual' and 'a ritual to honour mothers' – would at least have been seriously considered for inclusion in civil wedding ceremonies.

The ROs' survey also offered registration officers a choice of descriptors of the vows that they would permit during ceremonies. A majority indicated awareness of the ban on religious material. Ten 'would impose the further condition that the vows be serious and formal' but 'most did not see it as part of their role to impose any further constraints on what could be said'. Fifteen respondents stated, in response to a different question, that couples' vows *should* be 'serious and formal, as well as non-religious'.⁶¹ Subject to scrutiny of the words, therefore, registration officers might have been happy to preside at the ceremony that one respondent to the celebrants' survey reported as having been conducted completely in rhyme, provided that the couple had also articulated the (prose) prescribed declarations and the contracting words. If most registration officers adopted a similarly liberal approach to ceremonies' themes and participants' clothing, they might have permitted couples to marry in some of the ways described by respondents to the celebrants' survey, including 'Elvis Vegas style wedding ceremonies', two steam punk ceremonies and themes inspired by literature, films, television and comics. *Alice in Wonderland*, *James Bond*, *Lord of the Rings*, *Game of Thrones* and the *Marvel* comic each provided the theme for one ceremony, and *Beauty and the Beast* inspired another two. *Harry Potter* was the sole theme for one wedding, and part of the theme – blended with *Star Wars* – for another, and one couple had taken their vows from Emperor Ming's wedding speech in *Flash Gordon*. Some themes, though, would have fallen foul of the current requirement that weddings take place indoors: it is hard to imagine a building that could accommodate a 'Woodland Fairy themed ceremony with ponies dressed as unicorns', 'a football theme' (this had taken place at 'a football venue'), or motorcycles – one bride had entered and left on a Harley Davidson, and another had 'race flags/race marshalls (children) as attendants'. Clothing at ceremonies conducted by respondents had included Cornish kilt and tartan ribbon, mediaeval clothing, Tudor dress, 15th-century costumes (in a castle), and a couple dressed as hedgehogs. The gender-fluid couple's ceremony that was described by a respondent to the celebrants' survey as including 'a vast eclectic mix of guests, it looked like a mix up of the Mad Hatters Tea Party/Steam Punk and Mad Max' would presumably have been permitted by registration officers, since guests'

⁶⁰ Personal emails from Seren Wildwood, Senior Registration Officer, Gloucestershire Registration Service to Stephanie Pywell, 11 July 2019 and 2 April 2020 (quotations and identifying details used with sender's permission).

⁶¹ Pywell and Probert, above n 55, at 423.

clothing is not within their remit. Similarly, the ceremonies during which wedding rings arrived in a coffin and young children's toy trucks raise no obvious concerns for registration officers. At the time of writing, ExCel London is the Nightingale Hospital, but in normal times it comprises APs approved by Newham Council.⁶² Once celebrant had conducted 'the UK's first Klingon wedding at "Destination Star Trek" at the Exell Arena in London', and the ROs' survey suggests that many registration officers would have been happy to do likewise.

The law does not prohibit weddings from being broadcast – this is a common practice if either party is a member of the UK Royal Family – and there is anecdotal evidence that some are live-streamed for the benefit of would-be guests who are unable to attend.⁶³ This makes it likely that registration officers would have happily conducted two ceremonies reported by respondents to the celebrants' survey: one that was broadcast on live television from the Royal Albert Hall, and one that was conducted for the television programme *Don't Tell the Bride*. There is no law against conducting more than one wedding at the same time, and relatives and close friends sometimes choose to marry in 'double weddings'. It is debatable whether a registration officer would agree to conduct a ceremony for three couples at the same time, as one respondent to the celebrants' survey reported having done.

Celebrants were asked whether they would impose boundaries on the content of ceremonies that they conduct, and the answer was a resounding, though not quite unanimous, 'yes'. Only 22 of the 287 respondents would include any content that the couple wished for, eight would include only content that posed no health or safety risk, 34 would impose the additional requirement that the content be non-criminal, and four would also require that the content be serious and formal. Seventy-five per cent of respondents (215) opted for the lowest-risk choice available: 'Any non-criminal content that is not obscene, violent or likely to give offence to one or more guests, and does not pose a health and safety risk', indicating a desire to conduct orderly and dignified ceremonies, and suggesting that they consider the ceremonies described above to meet these criteria.

Overall, however, the comparison between what the law – and individual registration officers – would permit, and the types of ceremonies that respondents are conducting suggests that many

⁶² Newham Council, *Venues licensed for civil marriage and partnership ceremonies* www.newham.gov.uk/Pages/Services/Civil-marriage-and-civil-partnership-venue-licence.aspx?l1=100003&l2=200067, last accessed 2 April 2020.

⁶³ *Streaming Wedding On The Internet Live To Guests Who Can't Make It* www.hitched.co.uk/chat/forums/thread/streaming-wedding-on-the-internet-live-to-guests-who-cant-make-it-174497/, last accessed 2 April 2020.

couples are opting for celebrant-led ceremonies because they would not have been able to marry in the ceremony of their choice.

The prohibition on religious content in civil weddings has affected same-sex couples more than mixed-sex couples, because they are unable to marry in most religious settings. This led Peter Edge and Dominic Corrywright to identify ‘unjustified discrimination against some religious groups’.⁶⁴ John Eekelaar questions the point of the stark distinction between exclusively civil APs, and the registered religious buildings in which anyone permitted by the religion may conduct weddings, provided that they are subsequently registered. He proposes an alternative system where the couple’s first decision would be the person who would conduct the ceremony, rather than the venue.⁶⁵ Probert has pointed out that, if the law were changed to allow authorised persons (people who are authorised by religious organisations to conduct marriages in specified buildings) to conduct marriages anywhere, same-sex couples could be married in accordance with religious rites without requiring religious organisations collectively to opt in to conducting same-sex marriages.⁶⁶ This change would certainly mitigate the extent to which same-sex couples are disadvantaged by the current law of England and Wales.

In Scotland, there is no bar on the inclusion of religious material, or eating and drinking, in civil weddings, and the National Records of Scotland (NRS) prides itself on individualisation; its informative leaflet about marriage, *Your day, your way*, expressly encourages rituals such as handfasting, sand ceremonies, lighting candles and drinking from the Quaich.⁶⁷ The first and third of these would not be permitted by English registration officers on the respective bases of paganism and health and safety, and the last would infringe the law against food and drink.

Adoption of Scotland’s more liberal approach to the content of ceremonies would enable registration officers in England and Wales to permit many more couples to marry in the way that they wish – as a previous article concluded: ‘It is surely appropriate that every couple should be able to address one another using words that they regard as creating a covenant between them, whether secular or sacred.’⁶⁸

⁶⁴ PW Edge and D Corrywright, ‘Including religion: reflections on legal, religious, and social implications of the developing ceremonial law of marriage and civil partnership’ (2011) 26(1) *Journal of Contemporary Religion* 19, at 2.

⁶⁵ J Eekelaar, ‘Marriage: a modest proposal’ [2013] *Fam Law* 83.

⁶⁶ Probert, above n 35.

⁶⁷ Scottish Registrars, *Your day, your way* (undated) Available at www.nrscotland.gov.uk/files//registration/your-day-your-way-leaflet.pdf, last accessed 27 March 2020.

⁶⁸ Pywell and Probert, above n 55, at 436.

Respondents' motives and fees

A sceptic might assume that celebrants perceive spouses-to-be as a soft commercial target who will pay absurd prices to secure memorable and photogenic ceremonies that will provide them with ample Instagram material for years to come. The celebrants' survey investigated this possibility by enquiring about why respondents chose their profession, and the fees that they charge for their services.

Respondents were asked to identify which one of 11 suggested options was closest to their main reason for becoming a professional celebrant. The most popular answer, selected by 158 respondents, was 'desire to provide person-centred ceremonies that reflect couples' beliefs, personalities and lifestyles'. The second most popular (68) was 'desire to use my creative skills to help people celebrate the major occasions in their lives as they wish'. When asked to identify as many other reasons as were applicable, without reselecting their main reason, two respondents – one of whom had a desire to run a small business, and one of whom had a desire to provide person-centred ceremonies – chose 'no other reasons'. The remaining 285 respondents identified a total of 1,101 reasons, chief among which was 'desire to fulfil couples' wishes and expectations' (187), followed by 'desire to conduct wedding celebration ceremonies at venues other than approved premises' (158), 'desire to use my creative skills to help people celebrate the major occasions in their lives as they wish' and 'enjoyment of leading ceremonies and events' (144 each), 'desire to provide person-centred ceremonies that reflect couples' beliefs, personalities and lifestyles' (114), 'desire to run a small business' (94), 'desire to blend secular and religious elements in one ceremony' (79 respondents), 'dislike of stark division between secular and religious ceremonies' (68) and 'enjoyment of the romantic atmosphere at weddings' (47). The least popular reasons were respondents' own beliefs: spiritual (36), pagan (12), religious or sacred (10) and humanist (8). These responses give the impression that respondents are altruistic: their most popular main and subsidiary reasons indicate a desire to fulfil couples' wishes, rather than satisfying their own ambitions or desires.

A further indication of altruism comes from the fact that respondents appear to subjugate their own feelings in order to accommodate couples' wishes: only four respondents would decline to conduct ceremonies whose proposed content clashed with their personal religion, beliefs or values. Some, however, may avoid confronting this issue directly – one respondent commented, in response to a

different question: 'I have been asked many times to carry out ceremonies for 3 people or people married to other people all I do is quote a really high price and I don't hear from them - anything I am uncomfortable with I quote high prices. As I don't want to judge people for what they believe or feel.'

The impression of many respondents' couple-centredness was reinforced by some answers to the question about the most unusual feature of a ceremony that they had conducted. Several answers were explicit about respondents' enthusiasm for their role:

'All my ceremonies are beautiful and personal and can include couples beliefs.'

'It was absolutely wonderful to create this - a one off - and to share the joy they felt at the opportunity to be in their own pageant and again, to express themselves with authenticity.'

'It was brilliant and so very personal to the couple...'

'They wanted their ceremony to completely reflect how they lived /embraced life.'

'Not my preference at all but whenever possible I do my best to accommodate the couple's wishes.'

'...it became very complicated as the happy couple wanted everyone to have some input.

The end result was just what they wanted though!'

The obvious pleasure that these respondents take in their work is perhaps one reason why they do not charge extortionate fees for their professional services. A number of questions explored this area of their work.

The first fee-related question was whether respondents had a standard fee for conducting a ceremony: almost 15 per cent of respondents (42) stated that they did not. The 245 respondents who did have a standard fee were asked what it was in July 2019. As in other exploratory questions, ranges were offered. Just over half (142) normally charged £251–£500, with a further 87 charging £501–£750, and 10 charging £751–£1,000. Five respondents reported a standard fee of £1–£250, and one respondent's standard fee was £1,001–£1,250.

All respondents were asked about the lowest and highest fees they had charged for ceremonies during 2019. Thirty-eight reported that their lowest fee for a ceremony had been £1–£250. The most commonly chosen lowest fee, charged by 178 respondents, was £251–£500, with a further 64 having charged £501–£750, six having charged £751–£1,000, and one having charged £1,001–£1,251.

Six of the 11 respondents whose highest fee in 2019 was £1–£250 did not have a standard fee. Five of those had started practising as celebrants in 2019, four in 2016, one in 2015 and one in 2013, so it may be the case that, at this early stage in the lives of their businesses, they regard nurturing their reputations as more important than high incomes. The most commonly chosen highest fee, identified by 139 respondents, was £251–£500; with 107 having charged £501–£750; 20 having charged £751–£1,000; six having charged £1,001–£1,500; and one having charged each of £1,251–£1,500, £2,251–£2,500, £2,501–£2,750, and £2,751–£3,000. These data – omitting the three highest fees, because of their effect on the scale – are shown in Figure 4.

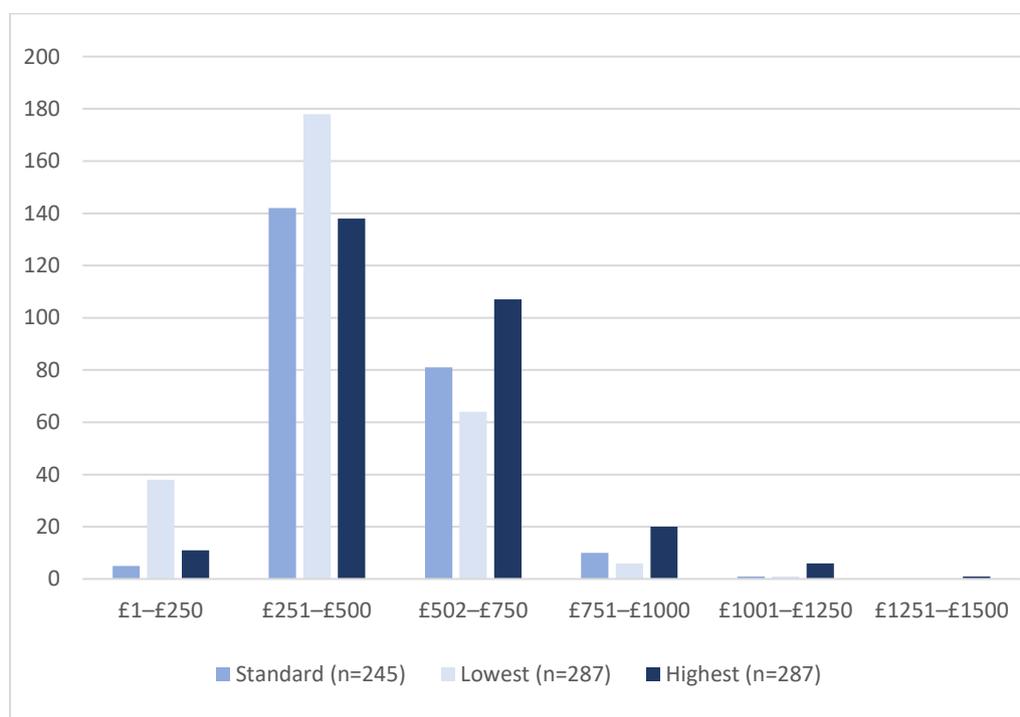


Figure 4: Standard, lowest and highest fees charged by respondents in 2019 (three highest outliers not shown – see text)

The most expensive ceremonies are sometimes conducted by respondents who are normally mid-to-upper price range: the only celebrant whose standard fee was £1,001–£1,250 also cited this range for the lowest and highest fees in 2019, and the only celebrant to report having conducted a ceremony for £2,750–£3,000 had a standard fee of £501–£750.

The most common fees of £251–£750 are broadly comparable with those charged by registration districts for weddings in approved premises.⁶⁹ As noted above, such ceremonies may include personalised readings, vows, rituals and music, and necessarily involve two registration officers. The basic structure of civil weddings is standardised, with couples choosing from various options for elements such as the prescribed declarations and the contracting words. A ceremony conducted by a celebrant requires much more preparation time, because each is completely bespoke, with every element carefully negotiated with the couple. A major difference, of course, is that a couple are lawfully married after a ceremony conducted by a Superintendent Registrar, whereas a couple who opt for a celebrant-led ceremony must also participate in a wedding ceremony if they wish to become spouses – theoretically, this can cost as little as £127, including giving statutory notice, and one copy of the marriage certificate, if the couple are both UK nationals. Recent research indicates, however, that around one-third of registration districts do not advertise any ceremony for this amount, and that such ceremonies are rarely available in some local authority areas.⁷⁰

The advisory group and pilot-testers identified a number of reasons why celebrants might conduct ceremonies for no fee, or for less than 75 per cent of their usual fee, other than for families or friends. As a result, the celebrants' survey offered 10 fixed options; respondents could choose as many as applied from these, and add their own reasons. Two questions – a 'would you ever conduct...?' eliminator, and a 'why...?' choose all that apply' – related to each option. A hundred and thirteen respondents answered 'yes' to both the eliminator questions, with a further 61 being prepared in certain circumstances to conduct ceremonies for no fee, and another 26 sometimes being prepared to conduct ceremonies for less than 75 per cent of their usual fee.

The proportions of respondents selecting the reasons provided is similar in response to both questions, so they are combined in the following summary of 1,145 choices from the 200 respondents who answered 'yes' to either or both of the eliminator questions. The reasons beginning 'compassion...' were significantly more popular than the other classes of reason. The top three options covered the circumstance where the celebrant had been made aware by different means that one or both partners were seriously or terminally ill: a charity such as 'Gift of a Wedding'

⁶⁹ On 26 February 2020, I examined the websites of eight local authority areas: three English counties, two unitary authorities, one metropolitan borough, one Welsh unitary authority and one London borough. The ranges of fees, covering local authority ceremony rooms and other approved premises on weekdays, weekends, and bank holidays, were as follows: Hampshire £214–£649; Somerset £150–£620; Cambridgeshire £225–£635; York £149–£665; East Riding of Yorkshire £150–£590; Newcastle-upon-Tyne £185–£550; Brigid £196–£460; Wandsworth £155–£520.

⁷⁰ S Pywell, '2 + 2 = £127, if you're lucky', *Law Society Gazette*, 3 March 2020; S Pywell, 'Availability of two-plus-two marriage ceremonies', *Law Society Gazette*, 31 March 2020.

or 'Wish for a Wedding' (222), contact from someone other than the couple (199), or personal contact from the couple (194). These were followed by compassion for a couple's personal or family circumstances (170), and compassion because the couple had no money (for the free ceremony) or insufficient money for the celebrant's normal fee (for a ceremony for less than 75 per cent of the usual fee) (103). The other reasons were offering the ceremony as a prize in a competition (65), to advertise and/or market and/or obtain photographs of professional services (58), to gain experience of conducting a ceremony (48), as an introductory or promotional offer (44), and to demonstrate skills to other professionals in the wedding industry (42). The 'other – please state briefly' reasons given were, for free ceremonies: 'couples are asked to donate to charity if they wish', 'terminally ill mother of the bride', 'for charity to give back', 'demonstration at wedding fair', 'exchanged my services for their art', 'because of my spiritual beliefs- pagan', 'to raise money for a charity- offered a ceremony in an auction', 'not a full-time celebrant at the time, so did not wish to profit from other people's spiritual choices'; and, for reduced-fee ceremonies: 'the couple were marrying in Australia and were coming to the UK to celebrate with English family and did not require a full... service', 'if the couple had something I felt of value as an exchange that I was willing to accept', 'belief linked- i do non pagan ceremonies too but i would remit fee for impecunious pagans', 'pagans tend to find it unethical to profit from religious functions; having said that it's my job now so I would only reduce my fee on compassionate grounds, including poverty', 'as a charity gift', and 'if they asked for a discount for some reason'.

These responses reinforce the sense that most respondents are altruistic: almost 70 per cent are willing to offer concessions on fees, principally for reasons related to compassion rather than commercial gain.

The reasons why respondents chose their profession, the fees that most of them charge, and the readiness of most of them to waive those fees dispel any suspicion that most celebrants are taking advantage of couples' desire to have unique ceremonies, or that they are prioritising profit over sincerity. On the contrary, they paint a picture of diligent individuals who aim to make one of the most important days in a couple's life conform as closely as possible to the couple's desires.

Limitations of research method

It was impossible to create a perfect sampling frame, because there is no way of identifying every eligible celebrant, or of knowing how many eligible celebrants did not receive the link.

The celebrants' survey was distributed by convenience sampling, which was believed by the members of the WCC to be the best method of reaching most practising celebrants in England and Wales. This could have resulted in sampling errors because celebrants who belong to professional organisations, who choose to be represented on the WCC, or who have received training from certain providers may have a different approach to their work from celebrants without any professional network. Similarly, eligible respondents may differ in some important respects from eligible non-respondents. The results therefore offer nothing more than an insight into the views and practices of respondents, and it cannot be assumed that the views and practices of eligible celebrants who did not receive the email, or who chose not to respond to it, would be similar.

Humanists UK declined my invitation to participate in this project, for reasons expressed in this statement:

Humanists UK cannot take part in this research as our celebrants come from a different category of ceremony providers. Our celebrants conduct ceremonies from a belief based, humanist, life-stance and are therefore not equivalent to the commercial celebrants this survey is addressing. Our comparators are those who conduct belief-based or religious weddings, legally recognised or not.⁷¹

This study cannot, therefore, offer any insight into the work of celebrants associated with Humanists UK, who conducted 'more than 1,050' ceremonies in 2016⁷², compared with the estimated 4,641 conducted by eligible celebrants.⁷³

This response rate of 29.5 per cent to the celebrants' survey is significantly lower than the 50 per cent that Thomas Mangione regards as acceptable,⁷⁴ although Alan Bryman points out that much published research is based on low response rates.⁷⁵ The true response rate may be higher than this for two reasons. The first is that some respondents may have completed the survey after receiving one copy of the email, and then received further copies. This would reduce the number of individual celebrants who received any copies of the email. The second is that, among the individual celebrants

⁷¹ Email from Humanists UK to Stephanie Pywell, 10 December 2019.

⁷² Humanists UK, *Humanists UK wedding numbers continue to grow, show new figures*, humanism.org.uk/2019/05/16/humanists-uk-wedding-numbers-continue-to-grow-show-new-figures/, last accessed 3 April 2020.

⁷³ Above, Table 2.

⁷⁴ TW Mangione, *Mail surveys: Improving the Quality* (Sage, 1995).

⁷⁵ A Bryman, *Social Research Methods* 5th edition (Oxford University Press, 2016).

who received any copies of the email, a higher percentage of non-respondents than respondents may have self-selected as ineligible, and so decided that it was not worth clicking on the link to the survey. This would reduce the presumed number of eligible respondents who received the email and decided not to respond.

Conclusions and recommendations

The fact that so many respondents had recently started to work as celebrants indicates that they are providing a service for which there is a growing demand, and it is reasonable to assume that some couples opt for a celebrant-led ceremony because of a recommendation or their having been impressed by someone else's ceremony. Celebrants clearly increase the choice of ceremonies for couples, and meet a social need, and the prices they charge for most ceremonies appear to be reasonable, given the detailed and non-replicable work involved in preparing each ceremony.

The range of ways in which people can become married means that there is no uniformity as to any words or deeds after which they are spouses, and Probert argues that the imposition of prescribed words could offend some groups, including Quakers – who can marry in silence – and Anglicans, who marry according to their own liturgy. She advocates, instead, a requirement that the parties should indicate in some way – not necessarily verbal – that they consent to being married, that they should confirm that they are married by signing a register, and that arrangements for ensuring that the couple are free to marry one another should be dealt with by preliminary legal formalities.⁷⁶

This sensitive and minimalist approach has much to recommend it, but it deliberately omits any indication of the moment at which the couple actually become spouses. In all ceremonies, however, including Quaker ones, the parties exchange some words, and it seems sensible that the person conducting the ceremony should respond by declaring that the parties are married. This moment is, after all, the climax of the ceremony, and unambiguously marking it would cover what Probert dismisses as 'those rare cases in which one of the parties changes their mind – or, more dramatically, drops dead – partway through uttering their vows'.⁷⁷

It is obviously desirable that couples should be able to marry in ceremonies that reflect their personalities and lifestyles, and adopting the Scottish approach to wedding venues and ceremony content could achieve this. In return, it is reasonable to require couples to acknowledge three legally

⁷⁶ Probert, above n 35.

⁷⁷ Ibid.

significant moments during their wedding. First, they must perform a simple act – such as each taking the other’s right hand in both of theirs – to confirm that they wish to marry. Second, they must both orally indicate, with at least the word ‘yes’, that they take the other to be their spouse, so that the person conducting the ceremony can declare the moment at which they become a married couple. Third, they must both sign a declaration that they are married, so that the state has a formal record of their legal commitment to one another.

Reducing legal restrictions, and amending the law to specify and standardise the minimal mandatory elements of weddings, would maximise the time during ceremonies in which couples could celebrate their love in more or less any way they wished. The Law Commission could recommend changes that, if implemented by Parliament, would mean that – finally – the law governing weddings in England and Wales would meet the needs of the people it serves. It should not waste this once-in-a-generation opportunity.