

Title: Outdoor Marriages and Civil Partnerships IA: MoJ016/2021 RPC Reference No: NA Lead department or agency: Ministry of Justice (MoJ) Other departments or agencies: Home Office (General Register Office)	Impact Assessment (IA)		
	Date: 15/03/22		
	Stage: Final		
	Source of intervention: Domestic		
	Type of measure: Secondary Legislation		
Contact for enquiries: outdoorweddings@justice.gov.uk			
Summary: Intervention and Options			RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option (in 2021 prices)

Total Net Present Social Value NA	Business Net Present Value NA	Net cost to business per year NA	Business Impact Target Status Non qualifying regulatory provision
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What is the problem under consideration? Why is government action or intervention necessary?
 In June 2021, the Government laid a Statutory Instrument (SI) to amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 to permit civil marriage and civil partnership proceedings to take place outdoors, in "linked outdoor areas" on approved premises. The SI sought to support the marriage sector to recover from the impact of Covid-19 by providing couples with greater choice and venues to meet the demand for larger ceremonies. The original SI was a temporary measure which will expire on 5 April 2022 meaning that, after this date and without extension, outdoor marriages and civil partnerships will no longer be possible and the increased flexibility accorded to venues and couples by the initial SI would be lost. Government intervention is therefore required in order to make these changes extend indefinitely beyond this date. We consider that this is necessary in order to continue to support the marriage and civil partnership sector and provide more choice for couples seeking to get married and form civil partnerships. The Government is also proposing to extend the option of permitting outdoor ceremonies to religious marriages through a separate Legislative Reform Order which would provide similar choice and flexibility to couples seeking religious weddings and to the religious bodies that solemnise them.

What are the policy objectives of the action or intervention and the intended effects?
 The policy objective is to ensure that the provision for outdoor civil marriage and civil partnership ceremonies continues indefinitely and is extended to religious weddings. The proposals would also enable couples to have a greater choice in relation to the location of their ceremonies, and for approved premises and religious bodies to have more flexibility in the locations for ceremonies should they choose to offer it. The proposals would remove the legislative restrictions that require most wedding and civil partnership ceremonies to be held indoors so promoting efficiency in the sector. In order to avoid additional regulatory procedures at this stage, the policy would take effect by automatically deeming current permitted indoor locations to include outdoor locations within property boundaries. The Government will consider the case for more comprehensive and enduring reform once the Law Commission has completed its **wider** review of marriage law.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- Option 0: Do nothing (baseline):** Let the current SI lapse on April 5th, 2022.
- Option 1:** Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new SI that would have indefinite effect.
- Option 2:** Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held.

Options 1 and 2 are the preferred options as they best meet the policy objectives.

Will the policy be reviewed? Potentially, depending on the outcome of the Law Commission Review **date:** NA

Is this measure likely to impact on international trade and investment?	No			
Are any of these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: NA		Non-traded: NA	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister  Date: 28/02/2022

Summary: Analysis & Evidence

Policy Option 1

Description: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new SI that would have indefinite effect

FULL ECONOMIC ASSESSMENT

Price Base Year 2021	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: NA	High: NA	Best Estimate:

COSTS (£m)	Total (Constant Price)	Transition Years	Average (excl. Transition) (Constant Price)	Annual (Constant Price)	Total (Present Value)	Cost
Low	NA	NA	NA		NA	
High	NA		NA		NA	
Best Estimate	NA		NA		NA	

Description and scale of key monetised costs by 'main affected groups'

It has not been possible to quantify any monetised costs associated with this option.

Other key non-monetised costs by 'main affected groups'

Venues with suitable premises who wish to be granted a new or renewed approval that includes outdoor space will face additional time costs in providing a plan showing an outline of the boundaries of their premises and venues may face a time cost associated with the inspection and confirmation that the linked outdoor areas are 'seemly and dignified' prior to any ceremony. Venues who choose to offer outdoor ceremonies on their approved premises may face small costs associated with maintaining contingency space in the event of adverse weather conditions. However, we expect only those firms that can sufficiently offset these costs by offering a wider variety of weddings or civil partnership ceremonies will face these costs.

BENEFITS (£m)	Total (Constant Price)	Transition Years	Average (excl. Transition) (Constant Price)	Annual (Constant Price)	Total (Present Value)	Benefit
Low	NA	NA	NA		NA	
High	NA		NA		NA	
Best Estimate	NA		NA		NA	

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to quantify any monetised benefits associated with this option.

Other key non-monetised benefits by 'main affected groups'

Couples getting married or entering into a civil partnership at an Approved Premises will benefit from additional choice in where their ceremony will occur. Competition effects may encourage venues without outdoor space to lower their prices in order to remain competitive, this will also benefit couples getting married. or entering a civil partnership.

Key assumptions/sensitivities/risks	Discount rate	NA
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For the purposes of this IA, it has been assumed that no Covid-related restrictions on marriage ceremonies will be re-imposed after Option 1 is due to come into effect (6 April 2022). If these are re-imposed, and depending on their nature, the measure may offer benefits to the wider venue industry by allowing marriages or civil partnerships that will otherwise be postponed or downscaled to go ahead if outdoor gatherings are permitted.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: NA	Benefits: NA	Net: NA	
			NA

Summary: Analysis & Evidence

Policy Option 2

Description: Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held.

FULL ECONOMIC ASSESSMENT

Price Base Year 2021	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: NA	High: NA	Best Estimate:

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NA	NA	NA
High	NA	NA	NA
Best Estimate	NA	NA	NA

Description and scale of key monetised costs by 'main affected groups'

It has not been possible to quantify any monetised costs associated with this option.

Other key non-monetised costs by 'main affected groups'

For those religious bodies that will need to register their places of worship with the Registrar General in order that they can be used for the solemnisation of marriages (all faiths except Anglican, Jewish and Quaker), and that wish to make new applications due to the possibility of outdoor weddings in the grounds of their places of worship, the religious bodies or other owners or trustees of those places of worship may face a small time cost associated with the application for registration. This time cost will only be incurred by places of worship which are not already registered for the solemnisation of marriage and will only wish to register if Option 2 were to be implemented.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NA	NA	NA
High	NA	NA	NA
Best Estimate	NA	NA	NA

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to quantify any monetised benefits associated with this option.

Other key non-monetised benefits by 'main affected groups'

Couples getting married in a religious ceremony will benefit from additional choice in where it could be held, provided the religious body offers such outdoor ceremonies. Competition effects may encourage places of worship without outdoor space to lower their prices in order to remain competitive; this will also benefit couples getting married.

Key assumptions/sensitivities/risks

NA

For the purposes of this IA, it has been assumed that no Covid-related restrictions on marriage ceremonies will be re-imposed after Option 2 is due to come into effect. If these are re-imposed, and depending on their nature, the measure may offer benefits to religious bodies and couples seeking religious weddings by allowing marriages that would otherwise be postponed or downscaled to go ahead if outdoor gatherings are permitted. Based on limited evidence, it is assumed that the scale of impact of the proposed option on religious bodies will be minimal.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: NA	Benefits: NA	Net: NA	
			NA

Evidence Base (for summary sheets)

A. Background

Outdoor Civil Wedding and Civil Partnership Ceremonies

1. In June 2021, the Government laid a Statutory Instrument (SI) which amended The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') to permit civil marriage and civil partnership proceedings to take place outdoors on approved premises, in "linked outdoor areas".
2. Prior to these amendments, in accordance with how the 2005 Regulations defined "premises", the proceedings were required to take place within a permanent immovable structure or a permanently moored boat or vessel, which had been approved for proceedings, meaning that couples had less flexibility in choosing where their ceremonies took place.
3. These changes took effect on 1 July 2021 and will cease to have effect at the end of 5 April 2022. The Government is now consulting on proposals to extend the policy to allow outdoor civil marriages and civil partnerships to continue indefinitely.
4. The purpose of the options in this Impact Assessment (IA) relating to civil marriages and civil partnerships is to continue to give couples greater flexibility by permitting all aspects of the ceremony to take place outdoors, within the boundary of the land of which the built premises form part. It is also to continue to enable venues that offer civil ceremonies to make greater use of their premises by offering couples the choice of either an indoor or outdoor ceremony, so providing a seamless transition from the initial time-limited SI to the proposed replacement SI with indefinite effect, as far as is possible.
5. Approved premises include hotels, golf clubs and historic houses, some of which have outside areas already used for receptions which follow the legal ceremony in a specified room on the premises. The proposed changes would allow a couple to have their legal marriage or civil partnership ceremony outdoors in areas within the grounds of the same premises. The proposed location for the outdoor proceedings must first have been confirmed to be 'seemly and dignified' by the relevant authority before proceedings take place.
6. 75% of marriages annually are non-religious, over 85% of which take place on approved premises, with the remainder taking place in registrar's offices. Civil partnerships can take place in either approved premises (which can in some cases include religious premises) or a registrar's office. Permitting a ceremony to take place in the linked outdoor areas of premises already approved for these ceremonies is anticipated to be beneficial for couples, who would have greater choice about the setting for their civil marriage or civil partnership. It would also offer benefits for venues, enabling businesses to make greater use of their premises by offering couples the choice of either an indoor or outdoor ceremony.
7. The Government first implemented these changes in July 2021 to support the marriage sector's recovery from the Covid-19 pandemic restrictions which had had a

severe impact on the sector. As the peak season for marriages begins in April and runs through to the end of September, the Government concluded that it was important to introduce the changes as soon as possible to give more options to couples and the marriage sector in where civil ceremonies could legally take place.

8. However, the Government committed to undertake a full public consultation on future measures and producing an IA ahead of laying a further, non-time-limited SI in Spring 2022. The consultation ran from the 20th December to the 24th January. The intention now is to lay a further SI that will continue to permit these outdoor civil ceremonies, and which will commence on 6 April 2022 i.e. immediately following the expiry of the time-limited SI on 5 April 2022. The SI would be of indefinite effect pending any further Government reform following the Law Commission's forthcoming report, which will present options for reforms to modernise marriage law, including how ceremonies could take place in a broader range of locations, who can solemnise a marriage, how marriage by humanist and other non-religious belief organisations could be incorporated, and how provision could be made for the use of independent celebrants.
9. Since this proposal is subject to ordinary SI procedures, the Government cannot guarantee that the further SI will be in force by 6 April 2022. However, this is the Government's proposal and intention, and the Government would make every effort to provide a seamless transition from the current rules to the replacement rules.

Outdoor Religious Weddings

10. The Government is also proposing to offer similar choice and flexibility for religious weddings as for civil ceremonies. It proposes to do so by laying a Legislative Reform Order that would permit religious marriages to take place within the grounds of places of worship (provided the respective religious bodies wish to offer weddings in these locations). This proposal would apply to all religious marriages, with the exception of Jewish and Quaker weddings, Anglican weddings on the authority of a special licence and other religious weddings for the terminally ill, which for historical or exceptional reasons have no legislative restrictions on the place of the marriage.
11. The intention behind this proposal is to provide increased flexibility for religious bodies and couples seeking religious marriages, reducing barriers to efficiency by increasing choice, and delivering comparable benefits to religious weddings as the proposed civil ceremony SI would provide for civil marriages and civil partnerships.
12. These changes would be on a permissive basis, meaning that no religious body would be obligated to provide outdoor ceremonies. Existing protections to safeguard religious freedom would remain in place, and it would be for religious bodies to identify whether their laws or usages would require amendment and if so, to what effect and in what timeframe.
13. Unlike the initial civil ceremony SI proposed above, permitting outdoor religious weddings would require changes to primary legislation which, when made by Legislative Reform Order, can take up to 24 months.

B. Policy Rationale and Objectives

Rationale

14. The conventional rationales for government intervention are based on efficiency and equity arguments. The government may consider intervening if there are failures in the way markets operate (e.g. monopolies overcharging consumers) or failures with existing government interventions (e.g. waste generated by misdirected rules). The new interventions should avoid creating a further set of disproportionate costs and distortions. The government may also intervene for equity (fairness) and re-distributional reasons (e.g. to reallocate goods and services to more deprived groups in society).
15. The principal rationale behind the options assessed in this IA is the promotion of efficiency via the extension of choice. In the absence of the Government's preferred options, individuals seeking a civil marriage or civil partnership would no longer have the option to marry or form a civil partnership outdoors from 6 April 2022 onwards. The proposed options would ensure this choice exists on an indefinite basis for those desiring a ceremony outdoors.
16. At present couples seeking religious weddings according to faiths that do not presently permit outdoor marriage do not have the opportunity to marry outdoors at all. The options in this IA would therefore promote equity as they would also ensure a choice which is available to those seeking civil marriages and civil partnerships becomes available for those seeking religious weddings according to faiths that do not presently permit outdoor marriage, should these religions choose to make this option available.
17. The proposals would minimise any additional administrative burdens on approved premises venues, local registration authorities or religious bodies. Additional administrative burdens on approved premises venues would be minimised by the automatic approval of outdoor spaces for existing approved premises (in the case of civil marriage/partnerships) or the grounds of places of worship in which religious marriages are currently required to be held. As this additional choice would not impose any significant new burdens, the proposals in this IA offer efficiency improvements.

Policy Objectives

18. The associated policy objectives are as follows:
 - To remove the legislative restrictions that require most wedding and civil partnership ceremonies to be held indoors, therefore promoting efficiency in the sector by enabling couples to have a greater choice in relation to the location of their ceremonies, and for and religious bodies to have more flexibility in the locations for ceremonies should they choose to offer it.
 - To ensure that the provision for outdoor civil marriages and civil partnerships continues on a more permanent basis, and is extended to religious weddings, to further enable couples to have a greater choice in relation to their ceremonies. It would add greater flexibility without significantly increasing the administrative burden on venues.
 - As far as is possible, to provide a seamless transition from the end of the time limited amending regulations to the new, non-time-limited amending regulations, ensuring that outdoor civil marriages and civil partnerships can

continue following the expiry of the current SI and ensure there is no gap in the legality of outdoor civil marriages and civil partnerships on approved premises.

19. Such reform, while narrower in scope than allowing ceremonies to take place in any outdoor area could be seen as a potential stepping-stone towards later, more comprehensive and durable reform via the Law Commission's work.

C. Affected Stakeholder Groups, Organisations and Sectors

20. The options assessed in this IA would directly affect the following groups:

- Couples getting married in a civil ceremony or entering into a civil partnership.
- Couples getting married in a religious ceremony.
- Registrars and local authorities.
- General Register Office (GRO), which holds records of marriages and civil partnerships in England and Wales.
- Venues with suitable outdoor premises, as well as those without suitable outdoor premises, and the wider marriage and civil partnership venue industry.
- Religious bodies and owners or trustees of places of worship who seek to offer outdoor weddings under the law of England and Wales.

D. Description of Options Considered

21. To meet these policy objectives, the following options are considered in this IA:

- **Option 0: Do nothing (baseline). Let the current SI lapse on April 5th, 2022.**
- **Option 1: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new Statutory Instrument that would come into immediate effect and be non-time-limited**
- **Option 2: Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held**

22. Option 1 and 2 in combination are preferred as they best meet the policy objectives described above.

Option 0 – Do nothing: Let the current SI and amendments lapse on April 5th, 2022.

23. Under this option, the current SI would lapse at the end of 5 April 2022, without providing a replacement of any kind, and no legislative reform order would be laid to provide for outdoor religious weddings. This would therefore remove all provisions for outdoor marriage and civil partnership ceremonies as set out in the current SI, with no suitable or comparable alternative for couples hoping for an outdoor ceremony, and with no provision for outdoor religious weddings, pending any decisions the Government takes in light of the recommendations of the Law Commission.

24. Given that the peak season for marriages begins in April and runs through to the end of September, any couples who wished to have an outdoor civil ceremony on approved premises in summer 2022 would be unable to do so, were the current SI to expire without replacement. The greater flexibility provided by the current SI would therefore be lost, and the options of potential ceremony venues restricted once again. The greater choice and flexibility that a legislative reform order would offer to religious bodies and couples seeking outdoor religious ceremonies by approximately 2023 would also not be available.

Option 1: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ('the 2005 Regulations') via a new Statutory Instrument that would come into immediate effect and be non-time-limited

25. This option would entail making amendments to the 2005 Regulations, subject to this consultation, that would continue the provision made on 1 July 2021 for outdoor civil wedding and civil partnership ceremonies. However, this SI would be for an indefinite period.

26. These amendments would apply to civil marriage ceremonies and civil partnership formation (including civil partnership formation on religious premises where those premises are approved premises for that express purpose). This option would therefore enable a continuity of current policy and thus the permissibility of outdoor ceremonies indefinitely, pending the results of the Law Commission report and subsequent policy recommendations.

27. The definition of "premises" would be amended to include the "built premises" together with any "linked outdoor areas". Built premises would be defined as "a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored" and linked outdoor areas would be defined as "any areas within the boundary of the land of which the built premises form part, which are not indoors and which may be used in common with the built premises". This is intended to capture outdoor locations within the boundary of the same property as the approved premises

28. Furthermore, the impacts of Covid-19 restrictions have been severe on the marriage industry. Many thousands of couples had to postpone or cancel their planned marriage or civil partnership in 2020 and into 2021. Providing a seamless transition if possible, between the existing and proposed SI would therefore continue to provide the outdoor option to couples rearranging their ceremonies.

29. Option 1 is therefore one of the recommended options as it would as far as possible provide a seamless transition between the existing time-limited SI and the new, indefinite amendments, thereby avoiding any potential disruption caused by a break in legislative provisions for outdoor marriages and civil partnerships. Furthermore, it would avoid any potential confusion over the legality of outdoor civil ceremonies.

30. These Regulations would extend to England and Wales. Marriage and civil partnership law is a reserved matter as regards Wales. Marriage and civil partnership law are devolved to Northern Ireland and Scotland.

Option 2: Extend the provision of outdoor ceremonies to religious marriages through a separate Legislative Reform Order

31. This option would entail providing for outdoor ceremonies for couples seeking religious marriages through a Legislative Reform Order. This would provide similar increased choice and flexibility to couples seeking religious weddings and religious bodies as Option 1 would provide for couples seeking civil ceremonies and approved premises that host these.
32. The Government proposes to provide for outdoor religious marriages broadly by taking a similar approach to that proposed for approved premises. That is, places of worship would broadly be deemed to include the outdoor areas within the property boundaries of the rooms or buildings in which marriages must currently be solemnised. However, due to the differences in the legal framework governing religious marriages, and the further differences in the frameworks for different religions, the Government proposes as follows:
- First, Anglican churches and chapels would be deemed automatically to include the outdoor areas within the property boundary.
 - For religions in which certified places of worship must be registered under the Marriage Act 1949 in order for marriages to be solemnised, the registrations would be deemed automatically to include the outdoor areas within the property boundary.
33. This option would require amendments to primary legislation, and due to the longer timescales associated with a legislative reform order, provisions permitting outdoor religious ceremonies would not be able to come into force in April 2022 as with the proposed civil ceremony SI, but would instead come into force in 2023 at the earliest.
34. Option 2 is therefore also recommended in combination with option 1 as together they best meet the policy objectives set out earlier.

Other Options considered

35. The Government is not proposing to extend outdoor ceremonies to weddings and civil partnership ceremonies held in register offices, or in other locations such as the residences of 'housebound' or 'detained' persons. These exceptional locations are permitted by statute in circumstances in which individuals are unable to attend ceremonies in locations otherwise required due to illness, disability or detention in a prison or secure hospital. The Government is proposing not to do so as it is not aware of any evidence of demand for outdoor ceremonies for these exceptional locations. Instead, the Government will consider this issue as part of its consideration of the Law Commission's recommendations for fundamental reform of marriage law.
36. The Government is also not proposing to extend outdoor ceremonies to a more extensive range of outdoor locations, i.e. to areas not linked to approved premises or places of worship. This would require more fundamental reform of the law on where marriage and civil partnership ceremonies should be able to take place (including breaking the current link with requirements for the location of marriages that flow from buildings), as well as consideration of comprehensive new approval and regulatory requirements for outdoor spaces. Instead, the Government will carefully consider this wider ranging reform after the Law Commission provides its recommendations.

E. Costs and Benefits Analysis

37. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
38. This IA identifies impacts on individuals, groups and businesses in England and Wales, with the aim of understanding what the overall impact to society would be from implementing the options considered. IAs typically place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However, there are important aspects that cannot sensibly be monetised which might include how the policy impacts differently on particular groups of society or changes in equity and fairness.
39. The costs and benefits of each option are usually compared to the ‘do nothing’ or ‘counterfactual’ option, to demonstrate the potential impacts of reform. In this case the ‘do nothing’ option is allowing the SI laid in June 2021 to expire on 5 April 2022, which would prevent outdoor marriages and civil partnerships from continuing to be permitted on approved premises. It would also mean no legislative change to allow outdoor religious weddings for faiths that do not already permit such ceremonies. As the counterfactual is compared to itself, its costs and benefits are zero, as its Net Present Value (NPV).
40. Only non-monetised impacts have been included in this IA. It has not been possible to monetise the impacts of the option under consideration. This is because evidence on take up by approved premises of the use of linked outdoor areas under the SI laid in June 2021 is limited. The GRO were unable to provide additional outdoor civil ceremony take up data, however consultation responses indicate take up in civil ceremonies is popular. Evidence also suggests that the costs to venues of providing outdoor ceremonies are small, with some venues planning to charge additional fees to those seeking to have a civil ceremony outdoors to offset additional costs. Secondly, in the case of Option 2, it is not clear what proportion of religious bodies (and within them what proportion of individual places of worship) would wish to permit outdoor weddings. As such, costs and benefits associated with Option 2 remain more uncertain than is the case for Option 1.

Option 1: Amend the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (‘the 2005 Regulations’) via a new Statutory Instrument that would be non-time-limited

Costs of Option 1

Venues with suitable outdoor areas and the wider civil marriage/civil partnership venue industry

Costs associated with premise approval

41. It should be noted that no venue will be obliged to offer outdoor ceremonies as a consequence of Option 1. As such, Option 1 will not automatically impose new costs on venues. The costs described below therefore only apply to venues which opt to offer outdoor ceremonies.

42. Venues which already have approval for the use of indoor room(s) will face a time cost of notifying their local authority of their intention to use outdoor areas within the same boundaries of the land of which the built premises form part. Additionally, venues may face a time cost associated with the inspection and confirmation that the linked outdoor areas are 'seemly and dignified' prior to any ceremony.
43. Venues which are making new applications for approval, or those which are due to renew their approval will face a time cost of developing a plan of the boundaries of their premises to accompany their application to their local authority¹. Other than this, their application for approval would follow the same process as it would for an indoor space, so there will also be an additional time cost of inspecting the outdoor premises alongside the indoor space.
44. This option may create additional competitive pressures for firms in the marriage and civil partnership venue industry. Venues that are able to host outdoor ceremonies may enjoy a competitive advantage over venues that cannot offer this option. For instance, a venue with ample outdoor space may be able to host both a reception and a wedding ceremony. This may result in venues with pre-existing outdoor space, or with the capacity to create such a space, enjoying greater revenues relative to venues that cannot.
45. We do not interpret these competition effects to result in a net benefit or cost to the venues industry more broadly, however, as we interpret the anticipated outcome as a transfer of revenue from less to more competitive venues. The measure is not expected to meaningfully increase demand for marriages or civil partnerships. Therefore, we would not expect the wider marriage venues industry to face a meaningful net cost or benefit as a result of this measure.

Costs associated with organising contingency plans in case of inclement weather

46. Under Option 1, venues will need to offer contingency plans for ceremonies during unfavourable weather conditions. Since venues will need to have prior approval for both indoor and outdoor spaces, venues will need to make available their indoor facilities as a contingency space. Venues may therefore face some upfront costs, for example, associated with acquiring additional seating to be available as a contingency.
47. As these costs would result from a commercial decision to offer outdoor weddings or civil partnership ceremonies, the only venues that would face these costs will be those whose cost of organising contingency plans is offset by increases in their income resulting from offering a wider variety of weddings or civil partnership ceremonies.

Registrars and Local Authorities

48. Registrars employed by local authorities will face a small additional time cost to assess plans of premise boundaries for venues which are making new applications.

¹ Venues will not need to identify on the plan specific locations within the linked outdoor areas where proceedings are to take place

Benefits of Option 1

Couples getting married in a civil ceremony or forming a civil partnership

49. Some couples who wish to marry via a civil ceremony or enter into a civil partnership may prefer their ceremony to be hosted outdoors. The provisions under Option 1 will allow for this to continue to occur at venues with approved outdoor spaces from 6 April 2022 onwards. Therefore, couples will continue to have greater choice and flexibility in celebrating civil ceremonies.
50. The competition effects outlined in paragraph 44 may encourage venues without outdoor space to lower their prices in order to remain competitive. In this case, couples getting married in a civil ceremony or forming a civil partnership who do not intend to marry outdoors may enjoy lower prices as a consequence of Option 1.

Option 2 – Amend legislation including principally the Marriage Act 1949 through a Legislative Reform Order to permit outdoor religious marriages within the grounds of places of worship in which religious marriages must currently be held.

Costs of Option 2

Religious bodies and owners or trustees of places of worship who seek to offer outdoor weddings

51. Costs will only result for places of worship that wish to begin solemnising weddings as a result of Option 2. Option 2 will create no additional cost for places of worship that will have planned to solemnise marriages in the absence of Option 2.
52. We anticipate minimal costs for religious bodies associated with deciding to offer weddings in the outdoor grounds of their places of worship. This is because the proposed option will not create any new requirements for religious bodies to seek approvals. Consistently with the current legislative framework, the government will consider this to be a matter for the religious bodies to decide whether outdoor weddings according to their faith should be offered in the grounds of their religious premises and in what circumstances. It has not been possible to quantify these costs.
53. For Anglican weddings, churches and chapels authorised by licence of the bishop of the diocese to solemnise marriages will be automatically deemed to include the outdoor area that is within the property boundary. Chapels not currently authorised to solemnise marriages would become authorised by licence of the bishop and there are procedures in which the Registrar General is informed of these chapels, but there will not be a need to inform the Registrar General of an intention to use the outdoor areas of the chapels for a marriage.
54. For those chapels that are not currently licensed, a small time cost will occur as the bishop of the diocese will need to inform the Registrar General where a new licence is granted to solemnise marriages and register certain matters in the registry of the diocese.
55. For religious faiths in which places of worship must be registered under the Marriage Act 1949 in order to be able to solemnise marriages in those locations (i.e. all faiths except Anglican, Jewish and Quaker), any new registration for a place of worship to

solemnise marriage would also be automatically deemed to include the outdoor grounds within the property boundary of the place of worship. Therefore, only a small time cost (of registration) to religious bodies or other owners or trustees of these places of worship will be accrued in these instances. For places of worship already registered to solemnise marriage, no costs will be accrued at all.

56. Some religious bodies which decide to offer outdoor weddings may need to amend their own laws or usages to permit outdoor weddings. This may also impose a time cost for these bodies.
57. It is conceivable that some couples who would otherwise marry using a civil ceremony (due to a preference to wed outdoors outweighing a preference to marry via religious rites) will opt to marry in a religious ceremony under Option 2. In this case, some marriages that otherwise would have generated revenue for civil wedding venues will now generate revenue for religious bodies. This will result in a transfer away from civil wedding venues to religious bodies but will not impact overall welfare as per HMT Green Book² guidance (see page 58). Due to the high degree of uncertainty, it has not been possible to model the scale of this potential transfer.

Costs associated with organising contingency plans in case of inclement weather

58. Under Option 2, it is likely that places of worship will desire to offer contingency plans for ceremonies during unfavourable weather conditions. Places of worship will likely desire to make available alternative indoor facilities as a contingency space. Places of worship may therefore face some upfront costs, for example, associated with acquiring additional seating and/or outdoor coverings to be available as a contingency.
59. As these costs will result from a prior decision to offer outdoor weddings, the only places of worship that will face these costs will be those where the cost of organising such contingency plans is greater than the additional income resulting from offering a wider variety of weddings. We will, however, expect religious groups to adjust the fees they charge for weddings to reflect the costs of such contingency plans.

Benefits of Option 2

Couples getting married in a religious ceremony

60. Some couples who wish to marry via a religious ceremony may prefer their ceremony to be hosted outdoors. The provisions under Option 2 will allow for this to occur for all faiths, provided the respective religious faiths permit it. Therefore, Option 2 will create greater choice and flexibility for couples who wish to celebrate a religious wedding.
61. The increased competition that could arise from this may encourage places of worship without outdoor space to lower their prices in order to remain competitive. In this case, couples getting married in a religious ceremony who do not intend to marry outdoors may enjoy lower prices as a consequence of Option 2.

² [The Green Book \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

F. Risks and Assumptions

62. The above analysis is based on various assumptions. In this section we identify the main assumptions made with regard to each option and the main risks that might emerge should they not prove to be accurate.

Option 1 – Outdoor Civil Weddings/Civil Partnerships

Volumes of venues and civil weddings/civil partnership ceremonies impacted

63. Evidence following the consultation suggests that take up of outdoor civil ceremonies is popular, however, responses also indicate that either the costs of providing outdoor space is minimal or venues will be offsetting these by charging additional fees.. As such, it is anticipated that the scale of any costs or benefits associated with Option 1 would be small.

Covid restrictions on ceremony attendance

64. As of February 2022, there are no Covid-related restrictions on attendance for marriages in England³ and Wales⁴. For the purposes of this IA, it has been assumed that restrictions would not be re-imposed from April 2022 onwards. This is an assumption that has been made for the purposes of conducting impact analysis and should not be interpreted as an indication of future government policy.

65. If restrictions are re-imposed, it is possible that Option 1 would have a material impact on the number of marriage or civil partnership ceremonies occurring in England and Wales relative to Option 0. This could occur if government restrictions permitted greater attendance at ceremonies held outdoors, while restricting or preventing attendance at indoor ceremonies which might not take place as a result.

66. Therefore, it's expected that if Covid restrictions *are* re-imposed on marriage and civil partnership ceremonies, the provisions under Option 1 may result in a net benefit to the wider venue industry relative to Option 0 in that it would allow ceremonies that would otherwise be postponed to go ahead.

Option 2 – Religious Ceremonies

Volumes of places of worship and religious wedding ceremonies impacted

67. Presently, no data exists to inform an estimated volume of places of worship which would wish to implement outdoor weddings as a result of Option 2 being implemented. As a consequence, it has not been possible to quantify the costs associated with this measure although it is anticipated that the scale of any costs associated with this measure would be small. For example, there may be time costs associated with religious groups needing to change their own law to permit outdoor weddings..

³ [Coronavirus \(COVID-19\): Wedding and civil partnership ceremonies, receptions and celebrations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/coronavirus-covid-19-wedding-and-civil-partnership-ceremonies-receptions-and-celebrations)

⁴ [Alert level 0: guidance for employers, businesses and organisations | GOV.WALES](https://www.gov.uk/government/news/alert-level-0-guidance-for-employers-businesses-and-organisations)

Covid restrictions on ceremony attendance

68. As of February 2022, there are no Covid-related restrictions on attendance for marriages in England⁵ and Wales⁶. For the purposes of this IA, it has been assumed that restrictions would not be re-imposed. This is an assumption that has been made for the purposes of conducting impact analysis and should not be interpreted as an indication of future government policy. As such, it has been assumed that, in the absence of any new restrictions, Option 2 will not have any material impact on the number of religious marriages in England and Wales.
69. If restrictions are re-imposed, it is possible that Option 2 will have a material impact on the number of religious marriages occurring in England and Wales relative to Option 0. This could occur if government restrictions permitted greater attendance at ceremonies held outdoors, while restricting or preventing attendance at indoor ceremonies.
70. Therefore, it is expected that if Covid restrictions *are* re-imposed on religious wedding ceremonies, the provisions under Option 2 may result in a net benefit to places of worship relative to Option 0 in that it would allow ceremonies that would otherwise be postponed to go ahead.

G. Wider Impacts

Equalities

71. For the equalities impact of these proposals, please see the Equalities Statement published alongside this Impact Assessment.

Better Regulation

72. The options proposed are currently classed as non-qualifying regulatory provisions. Based on evidence from the consultation, it is expected that the scale of impact on the wider venue industry is minimal. Whilst limited, evidence implies a similarly small impact for religious bodies.. .

Potential implications for trade

73. There are no expected implications for international trade arising from the proposal.

H. Monitoring and Evaluation

74. Appropriate monitoring arrangements would be determined based on the evidence available.

⁵ [Coronavirus \(COVID-19\): Wedding and civil partnership ceremonies, receptions and celebrations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/coronavirus-covid-19-wedding-and-civil-partnership-ceremonies-receptions-and-celebrations)

⁶ [Alert level 0: guidance for employers, businesses and organisations | GOV.WALES](https://www.gov.wales/government/guidance/alert-level-0-guidance-for-employers-businesses-and-organisations)