

Title: Marriage and Civil Partnership (Minimum Age) Bill IA: MoJ017/2021 RPC Reference No: N/A Lead department or agency: Ministry of Justice, Home Office Other departments or agencies: General Register Office (GRO)	Impact Assessment (IA)			
	Date: 28/04/2022			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Legislation			
	Contact for enquiries: Rachel.Stark@justice.gov.uk			

Summary: Intervention and Options	RPC Opinion: Not Applicable
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Cost of Preferred (or more likely) Option (in 2021 prices)

Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status Non qualifying regulatory provision
-£3.0m	NA	NA	

What is the problem under consideration? Why is government action or intervention necessary?
Under existing law in England and Wales, people can enter a marriage or civil partnership at the age of 16-17 with parental or judicial consent. The numbers so marrying in England and Wales are small and in decline: of nearly 235,000 marriages in 2018 only 134 involved one or both persons aged 16 or 17. Girls are more likely to be impacted than boys.

In addition, while it is already illegal for a person to force another person of any age into a marriage (whether or not it is a legally binding one) through the use of violence, threats or another form of coercion, or to do so without the use of violence, threats or another form of coercion where the person lacks capacity to consent to marriage under the Mental Capacity Act 2005, it is not currently illegal for someone to arrange the marriage of a person under the age of 18 who does not lack capacity under the 2005 Act without the use of violence, threats or another form of coercion.

Research shows that child marriage is associated with a wide range of adverse consequences. By raising the minimum age of marriage and civil partnership to 18 years and making it a crime to arrange the marriage of an under-18 in all circumstances, the Bill will act as a further obstacle to those seeking to take children abroad to marry and will mean there will be one less obstacle to children completing their education. Changing the legal minimum age for marriage and civil partnership and making it a crime to arrange the marriage of an under-18 in all circumstances require changes in primary legislation. Government intervention is also required to increase the chances of a private members Bill becoming law.

What are the policy objectives of the action or intervention and the intended effects?
The policy objective is to raise the minimum age of marriage and civil partnership to 18 in England and Wales and to make it illegal to arrange the marriage (legally binding or otherwise) of under-18s in all circumstances. The intended effect is to end child marriage in England and Wales and reduce the associated adverse impacts.

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

- Option 0/ Do nothing – make no age-related changes to existing legislation concerning marriages and civil partnerships.
- Option 1 – Raise the minimum age of marriage and civil partnership in England and Wales to 18 and expand the offence of forced marriage to encompass the arranging of marriages of under-18s in all circumstances.

Option 1 is preferred because it meets the policy objectives.

Will the policy be reviewed? No 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: N/A	Non-traded: N/A	

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: 03.05.2022

Summary: Analysis & Evidence

Policy Option 1

Description: Raise the minimum age of marriage and civil partnership in England and Wales to 18 and expand the offence of forced marriage to encompass the arranging of marriages of under-18s in all circumstances.

FULL ECONOMIC ASSESSMENT

Price Base Year 21/22	PV Base Year 21/22	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: NA	High: NA	Best Estimate: -3.0m
COSTS (£m)		Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low		NA	1	NA	NA
High		NA		NA	NA
Best Estimate		1.8m		£0.2m	3.0m

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

The one-off cost of updating the GRO's computer systems and forms is estimated at £0.5m during the financial year 2022/23 (including 100% optimism bias to reflect the high level of uncertainty of the costs of delivery). The Government is expected to incur a one-time cost of £0.4m for communications activity to raise awareness of the change in law. Annual costs for HM Prisons and Probation Service (HMPPS) from the required increase in prison places is predicted to be £1.0m in the financial year 2022/23 and £0.1m per year thereafter (these estimates will be kept under review). The police are expected to incur costs of between £ 0.1m (central estimate) over the 10-year appraisal period in investigation costs for this new offence.

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

This option will reduce the number of legal weddings in England and Wales and hence the income of those providing services for wedding ceremonies. We have not been able to quantify this impact, although it should be small due to the low number of marriages involved and the option of shifting the timing of marriage so that both spouses are 18 years old. There will be a non-quantifiable cost to 16 and 17- year olds who would choose to get married/enter a civil partnership at this age, along with the religious/community groups they belong to if it is common or important for them that marriage takes place at a younger age or for the non-binding marriage of an under 18 to be arranged where coercion is not used. Additionally, there may be some costs associated with the police familiarising themselves with the new offence.

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 monetise the benefits of Option 1.

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

Option 1 will act as an additional barrier to those seeking under-18s to enter marriages (legally valid or otherwise) and will help to deter people from arranging the non-binding marriages of under-18s. As such, it will remove an obstacle to under 18s completing their education and reduce the other negative impacts of child marriage i.e., limited career and vocational opportunities, serious physical and mental health problems, developmental difficulties for the children born to young mothers, and an increased risk of domestic abuse. Taxpayers who bear the cost of the agencies who support individuals experiencing adverse social outcomes due to child marriage, may see a cost savings if fewer individuals experience these negative impacts. However, given the small number of cases, we expect this impact to be minimal.

Key assumptions/sensitivities/risks	Discount rate
It has been assumed that: <ul style="list-style-type: none"> - The number of legal marriages involving 16-17-year olds in 2021 has remained the same as that in 2017. - It is assumed that a substantial proportion of unregistered ceremonies will continue, therefore illustrative ranges have been used to estimate impacts. - Volumes of prosecutions for the criminal offence of forced marriage do not change dramatically from current levels. - Measures come into effect in financial year 2022/23. 	3.5%

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	

Evidence Base (for summary sheets)

A. Background

1. Under the existing law in England and Wales, people can enter a marriage or civil partnership at the age of 18, or at 16-17 with parental or judicial consent. Statistics¹ show that the numbers of people marrying in England and Wales at 16 or 17 are small and continue to decline. Of nearly 235,000 marriages in 2018, only 134 involved one or both persons who were aged 16 or 17. Statistics also show that girls are more likely to be impacted than boys. In England and Wales in 2018, 28 boys married under the age of 18 compared with 119 girls.
2. In addition, some parents and others arrange for people under the age of 18 to enter into a religious or customary ceremony of marriage which is not legally binding but which would be regarded as a marriage in the eyes of the family, the community and the parties to the relationship.
3. It is already a crime under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 (“Offence of forced marriage”) for a person to use violence, threats or another form of coercion to cause another person (of any age) to enter into a marriage (legally binding or otherwise), so long as they believe or ought reasonably to believe that their conduct would cause the other person to enter into the marriage without free and full consent. It is also a crime under that section for a person to pursue conduct which has the effect of causing a person who lacks capacity to consent to marriage under the Mental Capacity Act (MCA) 2005, to enter into a marriage, even if violence, threats or another form of coercion are not used. The 2005 Act does not include people purely by virtue of their age.
4. There are no recent, reliable studies about the prevalence of forced marriage within England and Wales; while the Government’s Forced Marriage Unit (FMU) provided advice and support for 759 victims or potential victims in 2020, this represents only those cases reported to it.
5. It is not, however, currently a crime for a person to pursue conduct which has the effect of causing a person who does not lack capacity to consent to marriage under the 2005 Act to enter into a marriage (legally valid or otherwise) if violence, threats or another form of coercion are not used.
6. Both of the above situations represent child marriage, and there is strong concern that our law should not allow children to enter marriage under any circumstances. Research has shown that child marriage is often associated with leaving education early, limited career and vocational opportunities, serious physical and mental health problems, developmental difficulties for the children born to young mothers, and an increased risk of domestic abuse.
7. Those consequences may be even more serious for non-legally binding marriages of under-18s which take place, firstly because a relationship which is not within the law and where the legal protections of a valid marriage are therefore lacking, may be more likely to involve violence and abuse than other marriages; and secondly because such ‘marriages’

¹ [Marriages in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

can involve under-16s too, for whom the safeguarding consequences could potentially be worse than they would be for 16-17 year olds. Of the victims or potential victims of forced marriage whom the FMU helped in 2020 whose ages were known, 17% were aged under 16.²

8. The UN sustainable development goals require all countries to “eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations by 2030”. The UN Committee on the Rights of the Child also recommends that there should be no legal way for anyone to marry before they turn 18, even if there is parental consent. In 2016, the Committee recommended to the UK that it raise the minimum age to 18.
9. The Marriage and Civil Partnership (Minimum Age) Bill, which this Impact Assessment (IA) supports, will amend the Marriage Act 1949 and the Civil Partnership Act 2004 (CPA 2004) to raise the domestic age of marriage and civil partnership from 16 (with parental or judicial consent) to 18 in England and Wales. A further anticipated effect of this is that marriages of a child that take place abroad will likely not be recognised under the common law here (and civil partnerships will not be recognised here under the CPA 2004) where either party is domiciled in England or Wales. The Bill will therefore act as a further obstacle to those seeking to take children abroad to marry. It will also offer clarity to professionals such as teachers and social workers who are uncertain whether they should report children travelling abroad to marry.
10. The Bill will also expand the criminal offence of forced marriage such that it encompasses the arrangement of a ‘marriage’ (whether or not legally binding) of an under-18 who does not lack the capacity to consent to the marriage under the MCA 2005, where violence, threats or another form of coercion are not used.
11. These changes in the law will also mean there will be one less obstacle to children completing their education. Children will also have more time to grow and mature before entering marriage or civil partnership; which is a potentially life-long commitment with significant legal and financial consequences.

B. Policy Rationale and Objectives

Rationale

12. The conventional approaches to Government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g., monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g., waste generated by misdirected rules) where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more vulnerable groups in society).
13. The primary rationale for intervention in this instance is equity: to better protect and support children as they grow and develop, in order to maximise their potential and life

² [Forced Marriage Unit statistics 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2020)

chances. At present, evidence suggests that individuals who marry under the age of 18 experience a range of adverse life outcomes compared to those who do not. Government intervention through this legislation will ensure individuals are less likely to experience these effects. The measure would also act as a future obstacle to those seeking under 18-year-olds to enter marriage in England and Wales.

Policy Objectives

14. The associated policy objective is to bring an end to any form of child marriage in England and Wales. In addition, marriages and civil partnerships which take place in Scotland, Northern Ireland, or overseas will not be legally recognised in England and Wales if either party is under 18 and either domiciled in England and Wales.

C. Affected Stakeholder Groups, Organisations and Sectors

15. The options assessed in this IA will primarily affect the following groups:

- 16-17-year olds in England and Wales wishing to enter a marriage or civil partnership (including relationships where one party is domiciled in Scotland or Northern Ireland), and under-18s (who do not lack the capacity to consent to the marriage under the MCA 2005) who have a non-legally binding 'marriage' arranged for them without the use of violence, threats or another form of coercion.
- Home Office, General Register Office (GRO) – who will need to update their computer systems and registration forms to reflect the change in the minimum age of marriage from 16 to 18.
- Premises which host marriage and civil partnership ceremonies – could see a fall in the number of weddings and civil partnerships and consequentially lose fees (although some individuals may just delay until they turn 18).
- HM Government – who will meet various other associated costs of the Bill. This would include HM Prisons and Probation Service (HMPPS) who will face costs in constructing and maintaining new prison places; HM Courts and Tribunals Service (HMCTS) who would face costs in holding Crown Court trials; the Legal Aid Agency (LAA) who would fund Legal Aid for defendants in Crown Court trials; and the Crown Prosecution Service (CPS) who would prosecute cases associated with the criminalisation measure.
- Religious / community groups – in certain groups marriage may take place at a younger age or be viewed as necessary (e.g. where a pregnancy is involved).
- Taxpayers – who may experience a cost saving from a small reduction in spending on agencies who seek to remedy the adverse impacts on individuals from marriage between 16 and 17- year olds, but who are likely to experience a small cost increase from the additional forced marriage cases with which the police and criminal justice agencies will be required to deal.
- Police Forces in England and Wales – who may face new minor costs associated with enforcing the criminalisation measure.
- Teachers, social workers and other similar professionals – who may be uncertain whether they should report children travelling abroad to marry.

D. Description of Options Considered

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

- **Option 0 – Do nothing – Make no age-related changes to the law concerning marriages and civil partnerships.**
- **Option 1 – Raise the minimum age of marriage and civil partnership in England and Wales to 18, and expand the offence of forced marriage to encompass the arranging of marriages of under-18s in all circumstances**

17. Option 1 is recommended as it best meets the policy objectives described above: it will bring an end to child marriage in England and Wales and help to protect and support children as they grow and develop, in order to help maximise their potential and life chances.

Option 0 – Do nothing

18. Under this option the law relating to marriage and civil partnership, and forced marriage, in England and Wales would remain unchanged. Children aged 16-17 could still enter a marriage or civil partnership with parental or judicial consent. Parents and others would still be able to arrange the marriage of an under-18 who does not lack capacity to consent to marriage under the MCA 2005, so long as they do not employ violence, threats or another form of coercion. As a result, some children may miss out on important life chances, such as completing their education.

Option 1 – Raise the minimum age of marriage and civil partnership in England and Wales to 18, and expand the offence of forced marriage to encompass the arranging of marriages of under-18s in all circumstances.

19. Under this option the law will be changed so that 16- and 17-year olds would no longer be able to enter a marriage or civil partnership in England and Wales. The effect of this is that marriages and civil partnerships which take place in Scotland, Northern Ireland, or overseas will not be legally recognised in England and Wales if either party is under 18 and domiciled in either England or Wales.

20. The law will also be changed to expand the offence of forced marriage such that it becomes illegal for someone to arrange the marriage of an under-18 who does not lack capacity to consent to marriage under the Mental Capacity Act 2005, when they do not employ violence, threats or another form of coercion.

E. Cost and Benefit Analysis

21. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.

22. 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. In the case of this Bill, it has not been possible to sensibly monetise most costs and benefits associated with the measure proposed under Option 1.

23. The costs and benefits of each option are usually compared to the ‘do nothing’ or ‘counterfactual’ option. As the counterfactual is compared to itself, its costs and benefits are zero, as is its Net Present Value (NPV).

24. The NPV has been appraised over a 10-year period beginning in 2022/23, with a 3.5% discount rate has applied and the addition of a 100% optimism bias applied to the GRO’s system update costs, to reflect the high level of uncertainty concerning the costs of delivery. All costs in this IA are given in 2021/22 prices

Methodology

25. The following methodologies have been used to calculate the costs to taxpayers and police forces in England and Wales.

HM Government/Taxpayers

26. As the expansion of the offence of forced marriage will entail a widening of the ambit of the criminal law, there are likely to be some additional costs to the taxpayer from the policing and criminal justice costs resulting. It is difficult to make robust estimates of the number of prosecutions for forced marriage which will result from the expansion of that offence. In seeking an estimate, we have taken into account: the volume of prosecutions to date for the existing offence of forced marriage; a comparison of the likely number of people already covered by that offence with those who will be as a result of this change; and the possibility that this change could make prosecutions of cases which already count as forced marriage easier by virtue of reducing the weight of evidence required and the dependence on the child victim to provide evidence. As such, our preliminary estimate is that there will be one prosecution a year, although we will keep this figure under review ~~during the passage of the bill~~.

Police Forces in England and Wales

27. There were 134 registered marriages involving at least one 16 or 17-year-old in 2018 (ONS)³. This is 12 per cent less than in 2016 (153 marriages). The ONS data on registered marriages under-estimates the total number of marriages involving 16 or 17-year-olds in a given year, as there are also unregistered religious or customary ceremonies of marriage for which there are no reliable statistics. These unregistered religious ceremonies are not legally binding but are regarded as a marriage in the eyes of the family, the community, and the parties to the relationship. Facilitating an unregistered marriage ceremony involving anyone under the age of 18 years will

³ [Marriages of 16 and 17 year olds, England and Wales, 2016 to 2020 - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-in-the-uk/marriages-divorces-and-separations/marriages/marriages-of-16-and-17-year-olds). These statistics may capture some unregistered ceremonies, for marriages which involve other religious or customary ceremonies alongside a civil ceremony. The figure for the year 2018 has been used as 2019 and 2020 are provisional figures, subject to change. Note that provisional 2019 and 2020 figures show a declining trend in numbers of marriages involving 16- and 17-year-olds, therefore using 2018 data may overstate the baseline trend.

become a crime under the new marriage law⁴. Due to the lack of data on the volume of unregistered marriages in England and Wales, it is assumed that there are between 50 and 100 per cent of the volume of unregistered marriages involving people under the age of 18 years as there are registered marriages.

28. Once the Bill is enacted, it is reasonable to assume that the vast majority of registered marriages would discontinue, as a marriage cannot be entered into the Marriage Register if one party is underage and there is little incentive to break the law (for example, by forging an identity document) given the (only) 1 to 2 year wait before a marriage is legal at age 18 years. However, it is assumed that a substantial proportion of unregistered ceremonies would continue, either due to lack of knowledge of the law or people choosing to proceed anyway. There is significant uncertainty around this assumption, therefore this IA uses illustrative ranges of between 50 and 100 per cent of unregistered ceremonies continuing following the introduction of the new legislation. It is likely that the upper bound is an overestimation of the potential volumes of unregistered ceremonies after introduction of the new legislation.

Option 1 – Raise the minimum age of marriage and civil partnership in England and Wales to 18, and expand the offence of forced marriage encompass the arranging of marriages of under-18s in all circumstances

Costs of Option 1

Monetised Costs

Home Office, General Register Office

29. As the GRO's computer systems and registration forms will need to be updated to reflect the change in the minimum age of marriage from 16 to 18, this option will require the GRO to make changes to their administrative system and provide training to familiarise staff with the system changes. Based on previous administrative change programmes we anticipate an estimated total cost of £0.5m in year 2022/23 (including the 100% optimism bias referred to above).

HM Government/Taxpayers

30. There will be costs to HM Government for associated communications activity to specific audiences, to raise awareness of the change in law. The campaign costs are expected to total £0.35m in the financial year 2022/23.

HM Government – HM Prisons and Probation Service (HMPPS)

⁴ It is currently only a crime where force is used, or a participant lacks the mental capacity to consent.

31. The charge rate of crimes investigated by police is assumed to be between 4⁵ and 8 per cent⁶, which are lower and upper bounds based on the estimated charge rates of coercive and controlling behaviour and domestic abuse – two other “hidden” crimes⁷. A central estimate of a 6 per cent charge rate is based on the mean of the upper and lower bound. Using this assumption, it is estimated that between zero and two cases per year will be charged by police, with a central estimate of one case. Consequently, we estimate that, under Option 1, there will be one additional conviction for forced marriage per annum.
32. Based on sentences handed down for convictions for forced marriage to date, we estimate that the average sentence will be 3.9 years, and therefore that four prison places each year will be occupied by people who have been convicted of this offence. It should be noted that the number of prosecutions excludes the deterrent impact of the new law, as set out in the non-monetised benefits section.
33. HMPPS will face a one-time capital cost of £1.0m associated with the construction of 4 new prison places, each costing £0.25m.
34. In addition, within 4 years HMPPS will face ongoing costs of approximately £0.2m per year in providing 4 places at £47,297 per place (the average cost of a place per prisoner⁸, converted from 2019/20 prices into 2021/22 prices using HM Treasury’s October 2021 GDP deflator series⁹). Once social discounting is applied, this figure averages out to £0.1m per year, as is quoted on page 2 of this Impact Assessment.

Police Forces in England and Wales

35. Costs to police and to the wider criminal justice system depend on the rate of reporting of an unregistered marriage involving an under 18-year-old to the police. Using proxy offences such as coercive and controlling behaviour (CCB) and domestic abuse, it is assumed between 5¹⁰ and 17 per cent¹¹ of such unregistered marriages will be reported to the police, with a central estimate of an 11 per cent reporting rate.

⁵ In the DA Act Impact Assessment, it was assumed that the percentage rate of reporting to police of current partner CCB, was between 4%-9%, with a central estimate of 5%. This was based on the 2017/18 ONS CCB prevalence estimate, and police recorded data for the CCB offence. For the DA impact assessment see: [Impact assessment \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk). For CCB prevalence see: [Developing a measure of controlling or coercive behaviour - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk). For CCB recorded crime see: [Domestic abuse prevalence and victim characteristics - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk), March 2020 edition of the dataset, Table 20.

⁶ In the year ending March 2018 Crime Survey for England and Wales, 17% of adults aged 16 to 59 who experienced partner abuse in the previous 12 months told the police about the abuse. See: [Partner abuse in detail – Appendix tables - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk), Table 12.

⁷ [Crime outcomes in England and Wales, year ending March 2021](https://www.ons.gov.uk).

⁸ [costs-prison-place-costs-prisoner-2019-2020-summary.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

⁹ [National statistics overview: GDP deflators at market prices, and money GDP October 2021 \(Budget and Spending Review\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

¹⁰ The Government’s Domestic Abuse Act Impact Assessment assumed that the percentage rate of reporting to police of current partner CCB was between 4%-9%, with a central estimate of 5%. This was based on the 2017/18 ONS CCB prevalence estimate, and police recorded data for the CCB offence. For the DA impact assessment see: [Impact assessment \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk). For CCB prevalence see: [Developing a measure of controlling or coercive behaviour - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk). For CCB recorded crime see: [Domestic abuse prevalence and victim characteristics - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk), March 2020 edition of the dataset, Table 20.

¹¹ In the year ending March 2018 Crime Survey for England and Wales, 17% of adults aged 16 to 59 who experienced partner abuse in the previous 12 months told the police about the abuse. See: [Partner abuse in detail – Appendix tables - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk), Table 12.

36. The estimated cost of a police investigation of the new offence is estimated to be equivalent to the cost of investigating the crime “violence without injury”, derived from the latest Home Office report on the economic and social costs of crime¹². This is a cost per police investigation of £1,378 (2021/22 prices, including multipliers)¹³. Multiplying the estimated number of police investigations by the estimated investigation cost, the total annual police investigation cost for this new offence is estimated to be between £2,300 and £31,400, with a central estimate of £11,400 (2021/22 prices). Over a 10-year period, the total cost would range between £20,000 and £270,000 with a £100,000 central estimate (using a 3.5 per cent discount rate).

Non-Monetised Costs

16- and 17-year-olds in England and Wales (including relationships where one party is domiciled in Scotland or Northern Ireland)

37. By removing the ability of 16- and 17-year-olds to get married, there would be a cost imposed on individuals who would otherwise choose to get married or enter a civil partnership at this age, as they would be delayed until they are 18 years old.

Religious/Community Groups

38. Option 1 will impose costs on communities where early marriage is either regarded as being required in certain circumstances or culturally important.

Premises which host marriage and civil partnership ceremonies

39. This option may reduce the number of weddings taking place in England and Wales. Therefore, the income generated by these weddings could be lost to the wedding sector. However, given the small number of marriages involving 16- and 17-year-olds¹⁴ and the possibility that individuals can decide to delay their marriage to a date at which both spouses are 18 years old, this impact is expected to be small.

Home Office, General Register Office

40. As this option will reduce the number of people eligible to enter a marriage or civil partnership, there may be a small amount of income lost by the GRO for the registration fees of between £92 and £132 they would otherwise have received. However, as ONS data¹⁵ shows the number of legal marriages involving a 16- or 17-year-old in England and Wales was less than 150 in 2018, the income lost is likely to be minimal.

HM Government – HM Courts and Tribunals Service (HMCTS), Legal Aid Agency (LAA), Crown Prosecution Service (CPS)

¹² [The economic and social costs of crime second edition - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

¹³ Note that the £1,378 unit cost for “violence without injury” includes the 1.5 multiplier (Cost of Crime report Table 4) and adjusting the police unit cost (£810 in 2015/16 prices, Cost of Crime report Table 1) to 2021/22 prices using the OBR GDP price deflator. For the Cost of Crime report see: [The economic and social costs of crime \(publishing.service.gov.uk\)](http://publishing.service.gov.uk). For the OBR GDP deflator data: [GDP deflators at market prices, and money GDP March 2022 \(Quarterly National Accounts\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

¹⁴ [Marriages of 16 and 17 year olds, England and Wales, 2016 to 2019 - Office for National Statistics \(ons.gov.uk\)](http://ons.gov.uk)

¹⁵ *ibid*

41. HMCTS, LAA and the CPS will face negligible costs associated with holding a single Crown Court case each year with the expansion of the offence of forced marriage.

Police Forces in England and Wales

42. There may also be some costs associated with the police familiarising themselves with the new offence. These impacts however are assumed to be minimal. The foundations of forced marriage should already be well understood by the police, and the new offence introduces no new factors in terms of the drivers, consequences, or nature of forced marriage.

43. The sole difference is that coercion will not need to be proved for the marriage of an under-18. Conceptually this is not new, as the same is already the case for the arrangement of marriages of people who do not have the capacity to consent to marriage under the Mental Capacity Act 2005. As such, the change brought by the Bill involves a small change to the matters concerning forced marriage with which the police will need to be familiar. The officers' knowledge should have been further bolstered in recent months, following the publication in December 2021 of the new guidance from College of Policing for front-line officers on 'honour'-based abuse, and then the publication in March 2022 of updated Government guidance on forced marriage for the police and other front-line professionals. The National Police Chiefs' Council has led on promoting police awareness of those products and would do the same for any necessary awareness raising resulting from the Bill. In addition, given low volumes of under 18 marriages, we expect a relatively small number of officers working on such cases, further limiting the familiarisation costs.

Benefits of option 1

Non-Monetised Benefits

16- and 17-year-olds in England and Wales (including relationships where one party is domiciled in Scotland or Northern Ireland)

44. This option will protect those aged under 18 from being coerced or otherwise pressured to enter into a marriage.

45. This option should also have the effect of deterring parents and others from arranging non-binding marriages for under-18s who do not lack capacity to consent to marriage under the MCA 2005, without the use of violence, threats or another form of coercion. It is hard to estimate how many such would-be marriages will not happen as a result of the change to the law.

46. Introducing new legislation to criminalise any marriage involving 16-17 year olds will act as an additional barrier to those seeking under 18-year olds to enter marriages (legally valid or otherwise) and will help to deter people from arranging the non-binding marriages of those aged under 18 years. Research shows that there are negative consequences of child marriage¹⁶, including an early end to education and limited

¹⁶ [HM Government Multi-agency practice guidelines: Handling cases of Forced Marriage \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104444/hm-government-multi-agency-practice-guidelines-handling-cases-of-forced-marriage.pdf)

career or vocational opportunities¹⁷, serious physical and mental health problems including birth complications and developmental difficulties for the children born to young mothers¹⁸, and an increased risk of domestic abuse¹⁹. As such, the introduction of a new offence is expected to reduce the negative impacts of child marriage.

Taxpayers

47. Taxpayers who bear the cost of the agencies who support individuals experiencing adverse social outcomes due to child marriage may see a cost savings if fewer individuals experience these negative impacts.

Teachers, Social Workers and other similar professionals

48. Criminalising the arrangement of marriages involving those under the age of 18 under all circumstances will mean that teachers, social workers and other similar professionals (such as health professionals) who are uncertain whether to report children who are travelling abroad to marry will have greater certainty in reporting such occurrences.

F. Risks and Assumptions

Risks

49. It is possible that Option 1 may result in marriages involving 16–17-year-olds in England and Wales becoming unregistered marriages instead. If this were to occur, children who previously would have enjoyed some of the legal protections associated with legally recognised marriage would no longer enjoy such protections. Consequently, the risk to harm for these individuals may be greater.

50. However, the effect of the other limb of Option 1 – the expansion of the offence of forced marriage – should help to mitigate this risk (although not eliminate it entirely), as the threat of prosecution for arranging such a marriage may help to deter a person from arranging one and, if it does not, the police may now be able to intervene before the marriage has taken place.

51. Individuals may also choose to move to Scotland or Northern Ireland where marriage between 16- and 17-year-olds would remain legal. If this occurs, the benefits associated with Option 1 for 16–17-year-olds in England and Wales would be reduced.

Assumptions

52. The estimate for the costs of Option 1 are based on the following assumptions:

¹⁷ Batyra, E., Pesando, L., 2021, Trends in child marriage and new evidence on the selective impact of changes in age-at-marriage laws on early marriage, *SSM-Population Health*, 14, <https://www.sciencedirect.com/science/article/pii/S2352827321000860>.

¹⁸ Parsons, J., Edmeades, J., Kes, A., Petroni, S., Sexton, M., Wodon, Q., 2015. Economic Impacts of Child Marriage: A Review of the Literature. *The Review of Faith & International Affairs*, 13(3), pp. 12-22.

¹⁹ Kidman, R. (2017). Child marriage and intimate partner violence: a comparative study of 34 countries. *International Journal of Epidemiology*, 2017, Vol. 46, No. 2

- The number of legal marriages involving at least one 16 or 17-year-old as shown in the latest 2018 statistics²⁰, has remained low, at 134 marriages out of the nearly 235,000 that occurred among those of all ages. Therefore, the financial impact on the wedding industry is likely to be minimal. If the number of legal child marriages were significantly higher in 2020, removing these from the cohort of those who are eligible to marry will have a much greater financial impact on the wedding sector.
- The estimated volume of unregistered marriages involving people under the age of 18 is highly uncertain, owing to a lack of data on the prevalence of unregistered child marriage in England and Wales. In the absence of this data, illustrative ranges have been used to show potential impacts. Similarly, the estimated number of such unregistered marriages that may continue once new legislation is introduced is highly uncertain and illustrated by the wide ranges used.
- Another source of uncertainty is the reporting rate of these practices once they become illegal. We used proxy offences such as coercive and controlling behaviour and domestic abuse to inform plausible assumptions about the expected volume of cases which may come to the attention of the police once the new legislation comes in. Given that many HBA offences, under which forced marriage falls, are also categorised as domestic abuse, and that forced marriage can entail control and psychological pressures in a similar way to CCB, these offences were deemed to be the most appropriate proxy in the absence of reporting data related specifically to forced marriage offences.
- The GRO's computer systems and registration forms will need to be updated to reflect the change in the minimum age of marriage. Based on historical administrative change programmes and by applying 100% optimism bias, we have assumed an upper bound estimate of £0.5m for the cost of administrative/system changes to the GRO. Therefore, the actual cost of these changes may notably differ from our estimate.
- The impact of expanding the criminal offence of forced marriage will be minor, at least at first, and the impact on the ability to prosecute all cases of forced marriage by removing the requirement to prove the use of violence, threats or another form of coercion would not be dramatic, at least at first.
- The impact of expanding the criminal offence of forced marriage is assumed to be minor with an estimated 1 prosecution per year, which we assume will result in a custodial sentence of 3.9 years.
- There is some sensitivity around the timeline for implementation of Option 1. The GRO will need to update their system before the policy can be administered, however, there is some uncertainty as to how long these technological changes will take. Therefore, our working assumption is that implementation will occur within the year 2022/23.

²⁰ [Marriages of 16 and 17 year olds, England and Wales, 2016 to 2019 - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-population/marriage-divorce-and-civil-partnership/marriages)

G. Wider Impacts

Equalities

53. An Equalities statement has been published in addition to this IA.

Better Regulation

54. This proposal is classed as a non-qualifying regulatory provision and will not count towards the departments' business impact targets.

International Trade

55. There is no significant impact on international trade.

Environmental Impact Assessment

56. We expect there to be no environmental impacts as a result of option 1 in this IA.

Family Impact Test

57. We have assessed the potential impacts of the proposal on families and have taken these into account in further developing the proposal for the preferred option. In our responses to the Family Impact Test questions, we consider the impact of the change to the minimum age of marriage and the expansion of the offence of forced marriage on families. The Family Impact Test accompanies this IA and the other Bill documentation.

H. Monitoring and Evaluation

58. The impact of this legislative change will be monitored on an ongoing basis, as evidence becomes available. At present there are no plans for a formal review of the impact of this Bill.