

# The impact of Covid-19 on legal weddings and non-legally binding ceremonies



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## About this report

This report presents findings concerning the impact of Covid-19 on legal weddings and non-legally binding ceremonies. It draws on a large-scale online survey of couples who had been planning to marry in 2020 and a project, funded by the Nuffield Foundation, exploring non-legally binding wedding ceremonies.

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## Introduction

It is well-known that Covid-19 prevented many couples from getting married in England or Wales. For many months in 2020 weddings could only take place in exceptional circumstances, and restrictions on the numbers who could attend the ceremony and reception remained long after the first national lockdowns had been lifted. The impact of these restrictions was experienced differently by couples depending on a range of factors including their views and beliefs about marriage. Some prioritised getting married, even if that meant sacrificing planned involvement of family and friends. Others postponed in the hope of being able to have the wedding that they wanted.

What is less well-known is that many non-legally binding ceremonies of marriage still went ahead, both during lockdown and when restrictions were eased. In some cases these non-legally binding ceremonies would have taken place anyway and the main impact of Covid was simply a longer delay in having the additional legal wedding.<sup>1</sup> However, there were also couples who would not have had a non-legally binding ceremony had it been possible to have a legal wedding at that time. Similarly, while some of those conducting these non-legally binding ceremonies had previously conducted such ceremonies, others would normally have conducted a ceremony only if the couple were already legally married, or as part of a legal wedding. Both trends were observable across a range of different religious groups – Christian, Jewish, Muslim, Hindu and Sikh.

In this report we draw on two separate empirical studies to demonstrate the impact of Covid-19 both on legal weddings and on non-legally binding wedding ceremonies in England and Wales. In the first section we explain the nature of these studies, the different samples, and our methodology. We then explore three separate phases of the impact of Covid: first, the short period at the start of 2020 when escalating concerns as to what might lie ahead led to a number of last-minute weddings; second, the months of lockdown when virtually no weddings could take place; and, third, the period when it was in principle possible to get married legally but only subject to certain limitations. In each of these sections we consider the impact on different types of legal weddings and non-legally binding ceremonies. In the final section we consider the lack of importance given to marriage during Covid and the long-term impact and legacy of the Covid restrictions on weddings and getting married.

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<sup>1</sup> We use this term, and 'legally married', as convenient shorthand to refer to a ceremony recognised as creating a legal marriage under the law of England and Wales. For discussion of the terminological challenges in this area see R Probert, R Akhtar and S Blake, *When is a wedding not a marriage? Exploring non-legally binding ceremonies: Final Report* (2022).



## The studies and samples

### Study 1: The survey

The first study, carried out by Pywell and Probert in the summer of 2020, was an online survey of individuals whose plans to marry had been affected by Covid.<sup>2</sup> The survey consisted of between two and 16 questions<sup>3</sup> that had a range of pre-set answers from which to choose plus a final open question that invited respondents to say whatever they wanted about how Covid had affected their wedding plans. The survey was open between 30 July and 31 August 2020 and generated 1,449 usable responses.<sup>4</sup> It provides a snapshot of how couples' plans had been affected at that time, but the subsequent lockdowns and other restrictions mean that many couples' plans will have had to change again after the survey closed.

The survey was designed to ascertain whether the impact of the Covid restrictions differed depending on the type of wedding that respondents had been planning to have and in particular the different legal rules applicable to different types of weddings.<sup>5</sup> Under the Marriage Act 1949, provision is made for the following types of ceremony:

- Civil (register office or approved premises)
- Religious: Anglican (Church of England or Church of Wales); Jewish; Quaker; any other form of religious ceremony conducted in a registered place of worship.

We therefore asked all respondents which of these types of weddings they had originally been planning.<sup>6</sup> We further split the category of 'civil wedding at a register office' into those with just two witnesses and no guests and those with two witnesses plus additional guests, to try to distinguish between those who were planning to marry in a statutory ceremony and those who, while believing that they were marrying in a register office, were in fact marrying in a ceremony room that was formally classified as approved premises despite its being in a building owned by the local authority.<sup>7</sup>

In terms of how respondents were planning to marry, our sample was broadly in line with national-level trends. In 2018, the latest year for which figures are available, civil weddings accounted for 79.5% of the total, with 90.4% of such weddings being recorded on approved premises, and 9.6% in a register office (ONS, 2021). Within our sample, 73.9% reported that they had originally planned to marry in a civil ceremony, of whom 90% had planned to marry on approved premises, and 10% in a register office. Of the remainder, 21.3% had planned to

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<sup>2</sup> Respondents were recruited employing a mix of convenience and purposive sampling. A link to the survey was circulated on social media (private and institutional Facebook and Twitter accounts, existing contacts, and the gatekeepers of a number of websites and Facebook groups for brides- and grooms-to-be). For further information about the survey see R Probert and S Pywell, 'Love in the time of COVID-19: a case-study of the complex laws governing weddings' (2021) 41 *Legal Studies* 676 and S Pywell and R Probert, 'Postponing the day of your dreams: Modern weddings and the impact of COVID-19' (2022) *Families, Relationships and Society* (forthcoming).

<sup>3</sup> The number of questions answered by any individual respondent varied because of use of skip logic in the survey requiring respondents to only see and answer questions relevant to their previous response.

<sup>4</sup> A further 82 responses were unusable: 57 answered 'no' to one of the consent questions, and 25 fell outside the parameters of our study.

<sup>5</sup> On which see Probert and Pywell, 'Love in the time of COVID-19', above n 2.

<sup>6</sup> After piloting the study we included an explanation that we had divided weddings into the four current legal classifications following feedback from a Muslim respondent who questioned why only a few religious groups were mentioned.

<sup>7</sup> On this see R Probert, S Pywell, R Akhtar, S Blake, T Barton and V Vora, 'Trying to get a piece of paper from City Hall? The availability, accessibility, and administration of the register office wedding' (2022) 44 *Journal of Social Welfare and Family Law* <https://doi.org/10.1080/09649069.2022.2067651>.

marry in an Anglican ceremony, 4.5% in a registered place of worship and 0.2% according to Jewish usages.

The bulk of responses were from those who had either been unable to marry on their intended wedding date as it fell during the period of lockdown (n = 615: 'the lockdown group') and those who had been planning to marry between the end of lockdown and the end of 2020 and had had to change their plans in some way (n = 793: 'the post-lockdown group'). A further 10 had managed to bring the date forward and marry before the start of lockdown, while seven had not previously been planning to marry in England and Wales but had decided to do so on account of COVID-19.<sup>8</sup> The remaining 24 replied that they had decided to postpone their wedding indefinitely, were no longer planning to marry, or were unable to marry.

We had initially envisaged that our analysis would be primarily quantitative. As noted above, the majority of the questions had pre-set answers. However, the responses to the final open question – which was answered by almost half of survey respondents – generated 45,000 words of text. In order to analyse this unexpectedly rich body of data, we initially created a concordance of the frequency with which words were used to gain a sense of the issues that respondents had raised. We then reviewed all of the responses and undertook a thematic analysis of the data.<sup>9</sup> Aside from a few minor edits, denoted by square brackets, which we have made to ensure comprehensibility, we have retained original grammar, spelling and punctuation.

In this report we draw on these qualitative data to illustrate how the legal restrictions imposed as a result of Covid affected couples' wedding plans and how the impact of those restrictions did, at least to some extent, vary according to the type of wedding that respondents were planning. Throughout this report we refer to our survey respondents by a number (1 through to 1449).

## Study 2: The Nuffield study

The second study, carried out by Akhtar, Probert and Blake, had been planned before the pandemic. This was a qualitative research study into non-legally binding wedding ceremonies in England and Wales and was funded by the Nuffield Foundation. It set out to explore people's reasons for having non-legally binding wedding ceremonies and the role of those who conduct them. We spoke to 170 individuals who had either had at least one non-legally binding ceremony since 2010 or had been involved in conducting such ceremonies.<sup>10</sup>

Although the focus of this second study was not the impact of Covid on weddings, many participants provided information about its impact. First, those who were involved in conducting ceremonies were asked to describe the most recent one that they had conducted; for many, the most recent ceremony had been conducted under the constraints imposed by Covid regulations. In addition, 11 of those who had had a non-legally binding ceremony had either married or had their non-legally binding ceremony in 2020 or 2021,<sup>11</sup>

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<sup>8</sup> This group comprised three who had been planning to marry elsewhere and four who had not previously been planning to marry.

<sup>9</sup> See further Pywell and Probert, 'Postponing the day of your dreams', above n 2.

<sup>10</sup> For further information about this study, including sample composition and method, see Probert, Akhtar and Blake, above n 1, ch 2.

<sup>11</sup> These were 002A and 002B (Muslim ceremony in May 2020, legal wedding scheduled); 006 (Muslim ceremony in 2020, no plans to marry legally); 009 (register office wedding followed by Hindu ceremony); 033 (Muslim ceremony just before lockdown, since separated); 040 (Muslim ceremony in autumn 2020, planning to have a legal wedding at some point); 042 (Sikh ceremony, legal wedding scheduled); 049 (wedding in registered place of worship, later ceremony in a different Christian place of worship); 053 (Muslim ceremony in August 2020, planning to have a legal wedding at some point); 054 (Hindu ceremony in India in February 2020, civil wedding in England in October 2020); 083A and 083B (Muslim ceremony followed by Anglican wedding in May 2021).

and so had been affected by the pandemic to a greater or lesser extent. As a result, we were able to gather a considerable body of data on the impact of Covid on both legal weddings and non-legally binding ceremonies.

A full explanation of the composition of our sample and the methods we adopted can be found in our main report but we summarise the key elements here for ease of reference. In order to recruit participants, we adopted a purposive strategy with snowballing. Our study was not intended to be representative of couples who go through a non-legally binding ceremony, for the simple reason that the unofficial status of such ceremonies means that there are no data against which a sample could be compared. Nor was it intended to be representative of couples who have a legal wedding, since the characteristics of the two groups may be very different. Given the specific policy interest in Muslim marriage practices, we aimed to recruit a larger sample of couples who had a *nikah*; however, we also sought to ensure that a range of different faiths and beliefs (as well as lack of beliefs) were included.

For those who had had a non-legally binding ceremony, we used the semi-structured interview method, generally interviewing one member of the couple who had married (except for five interviews with both members of the couples). Within this report, interviewees are referred to by number, with A or B being added to denote couples who were interviewed together (eg interviewee 001, or interviewees 083A and 083B).

For those involved in conducting ceremonies, we primarily used focus groups. However, group interviews and individual interviews were also used, both for convenience in terms of scheduling and to enable individuals to speak more freely than they might otherwise have done. Within this report, those involved in conducting ceremonies are referred to by an initial letter denoting the focus group or particular tranche of interviews and a number (eg A-001).

All interviews and focus groups were audio-recorded and transcribed verbatim. Discussion relating to impact of Covid-19 was coded as such using NVivo 12 software and then this data was exported so it could be compared to the findings of the survey. We also draw on media reports of weddings carried out or cancelled during the pandemic and associated lockdowns.

## Last-minute weddings

It was on New Year's Eve 2019 that international news agencies picked up on reports from China that dozens of people in the central city of Wuhan were falling ill from an unknown form of viral pneumonia. Over the coming weeks, UK public health bodies began to issue advice to anybody travelling to and from China, and checks were put in place at Heathrow airport. But by the end of January 2020, the UK's first Covid-19 cases had been confirmed and the government had begun to escalate preparations in anticipation of a more widespread outbreak.

By mid-March, with the daily number of deaths beginning to creep up, the now-ubiquitous phrases 'social distancing' and 'self-isolating' had entered public consciousness. Reports of possible shortages led to panic buying and stockpiling and, inevitably, to bare shelves in supermarkets. These challenges were accompanied by a change in many spheres of life, including weddings. As early as Tuesday 10 March, the *Financial Times* had reported that 'much of the UK's wedding insurance market, including John Lewis and Debenhams, had suspended all new policies while they assessed the impact'. A week later, one London couple who had been due to marry in May told reporters that they had decided to cancel their 120-guest wedding at Strawberry Hill House, fearing that the lives of parents and older relatives would have been at risk. There had been, they said, 'a cloud of fear' gathering over what was supposed to be the happiest time of their lives.<sup>12</sup>

Some businesses were required to close as early as Saturday 21 March 2020. While the regulations did not specifically mention wedding venues, the constraints that they imposed on hotels would have affected many premises approved for civil weddings.<sup>13</sup> As survey respondent 859 reported, '[w]e were actually supposed to marry on the 21st [M]arch and was called on the 20th at 8pm telling us it was cancelled due to the covid 19 lockdown.'

A few people, by contrast, brought their weddings forward. Among those involved in conducting ceremonies, G-171 reported that the last ceremony she had conducted had been on Wednesday 18 March 2020; it had been meant to be on the following weekend but was 'dragged' forward'. Ten of the survey respondents also reported that they had been planning to marry after Tuesday 24 March<sup>14</sup> but had brought their weddings forward. Of these, six had been planning a religious wedding and four had been planning a civil wedding. Both the small overall number and the slight preponderance of religious weddings are unsurprising given the logistics of bringing the wedding forward, the different rules that apply to different types of weddings, and the different motivations for bringing the wedding forward.

All 10 had made drastic changes to their planned weddings to enable them to go ahead. Respondent 1396 reported changing from 'a 150 guest wedding in a castle to a 3 guest wedding with no reception!' Respondent 45 had put 'a lot of effort and time into planning our movie themed wedding', but explained that:

On the day none of the bridal party were there. We didn't wear our costumes or have our celebration lunch or movie themed reception for 75. We had to cancel our mini moon and honeymoon to the Edinburgh Film Festival.

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<sup>12</sup> <https://www.mylondon.news/news/local-news/cloud-fear-over-coronavirus-forced-17939751>.

<sup>13</sup> The regulations required the closure of any restaurants or other dining areas in hotels: Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, SI 2020 No 327; Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020, WSI 2020 No 326 (W 74).

<sup>14</sup> The survey asked respondents if they had been planning to marry between 24 March and either 21 June (for those who had been planning to marry in Wales) or 3 July 2020 (for those who had been planning to marry in England), the different end dates reflecting the different dates when restrictions on weddings were removed in Wales and England.

Respondent 17 also noted how pared down the wedding had been:

We had to keep the legal ceremony to a bare minimum to comply with rules, so only two witnesses, no worship, no address, etc. We didn't dress up, we didn't rehearse, it was over in 20 minutes.

Other respondents noted that they had prioritised the legal wedding but were still hoping to have a larger celebration at some point.<sup>15</sup>

The media reported similar cases of couples bringing their wedding forward to ensure that they could be legally married.<sup>16</sup> A common theme within these reports was the value that these couples placed on getting legally married. One bride, who had a small civil wedding and who was planning to go ahead with a larger ceremony when this was possible, was quoted as saying '[i]t was important to us, the legal part, we hold a lot of value on that and my parents in particular hold a lot of value on that.'<sup>17</sup> Similarly, the *Stoke Sentinel* reported that The Reverend Mike Turnbull, who conducted a wedding at 1pm on 23 March, had been impressed by how the couple 'just really wanted to get married'.<sup>18</sup>

When our survey respondents were asked why they had decided to bring their wedding forward, some cited the potential health threat and the desire to be married as soon as possible. As respondent 45 noted: '[w]e wanted to be married in case the worst happened and one, the other or both of us died.' Two respondents noted or implied that they had wanted particular relatives to be there.<sup>19</sup> Another two made a connection between their religious beliefs and their desire to get married. For respondent 17, marrying in an Anglican ceremony, the threat of lockdown had provided a particular incentive:

We wanted to get legally married in advance just in case the wedding couldn't happen as we chose not to live together until we were married and we didn't want to get separated for lockdown.

Unsurprisingly, the looming threat of lockdown also had an impact on those who regarded a religious ceremony, if not a legal marriage, as a pre-requisite to living together. Among those involved in conducting ceremonies, E-153 noted that her organisation had had an increase in requests for (non-legally binding) *nikahs* in March 2020. As she explained:

when it came down to basically are you going to move back in with your parents or are you going to find a way of living in the way that you're determining for yourselves, then we've had a huge increase in people saying yes, we want to make a home with our partner, and we need to do it right now.

For respondent 1396, bringing the wedding forward 'was the only way to guarantee' that elderly parents would be there, but also had implications for her plans for a family. As she explained:

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<sup>15</sup> Respondents 467 ('We brought forward our marriage but rearrange the whole 'wedding' to October 2020, so full church service and full reception with our guests'); 1433 ('Our legal wedding was to have been followed by an outdoor ceremony and hotel reception. Both were postponed for six months.')

<sup>16</sup> 'Coronavirus: Couple married on Anglesey with no guests', 24 March 2020, <https://www.bbc.co.uk/news/uk-wales-52018518>.

<sup>17</sup> 'Couple who married just HOURS before the nation's lockdown reveal they had just five days to prepare for their fast-track wedding – and only had four guests present', 30 March 2020, <https://www.dailymail.co.uk/femail/article-8169063/Couple-married-just-HOURS-nations-lockdown.html>.

<sup>18</sup> 'Joe and Alana said 'I do' with two hours' notice before lockdown!', *Stoke Sentinel*, 4 April 2020, <https://www.stokesentinel.co.uk/news/local-news/joe-alana-said-i-do-4009565>.

<sup>19</sup> Respondents 19 ('My brother lives in Spain and I wanted him to be able to be there'); 360 ('A close relative or friend was gravely ill').



We wanted to start trying for a baby but were waiting until marriage for religious reasons, and I was almost 40 so we didn't want to have to delay marriage an unknown amount of time, as this would affect our chances of conceiving.

However, whether or not a couple brought their wedding forward did not depend simply on the value that they attached to being married. In most cases, this would only have been a feasible option if the necessary preliminaries had already been completed. These, it should be remembered, take time. The vast majority of Anglican weddings are preceded by banns, which have to be called in the church where the parties are planning to marry, and in the church of the parish or parishes in which they are resident, on three separate Sundays.<sup>20</sup> All other weddings have to be preceded by civil preliminaries, and the notice of marriage must be displayed in the register office for 28 days, beginning from the day after notice is entered in the marriage book or its online equivalent.<sup>21</sup> While there is a discretion to reduce this waiting period, it requires a couple to submit an application to the Registrar General showing that there are 'compelling reasons' for reducing the period 'because of the exceptional circumstances of the case'.<sup>22</sup>

Of the 10 survey respondents who had brought their wedding forward to before lockdown, eight had been able to do so because their notices of marriage had already been displayed for the requisite period or their banns had already been called. The final two had both obtained an Anglican common licence. This form of licence can be obtained without any notice period and can authorise a wedding taking place immediately.<sup>23</sup> As respondent 1396 explained:

the vicar and dioces[e] described it as an "emergency licence" (Anglican) because we had to change the church we were getting married in from Wales to England, and our banns had not been read in that church (or the Welsh church yet as we were due to marry in May).

A common licence can only authorise a wedding in an Anglican church.<sup>24</sup> The corresponding superintendent registrar's licence, which was previously available to authorise non-Anglican weddings,<sup>25</sup> was abolished as a result of the Immigration and Asylum Act 1999.<sup>26</sup> The result of this was that a route existed for those marrying in the Anglican church to bring their

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<sup>20</sup> Marriage Act 1949, s 7.

<sup>21</sup> Marriage Act 1949, s 31(1) to (4A).

<sup>22</sup> Marriage Act 1949, s 31(5A). The likelihood is that couples would not have been aware of this option, although 042 referred to one local authority advertising it.

<sup>23</sup> For the conditions that must be fulfilled in order for a licence to be granted, see Marriage Act 1949, ss 15-16 and the more detailed guidance in *Anglican Marriage in England and Wales: A Guide to the Law for Clergy* (London: The Faculty Office of the Archbishop of Canterbury, 3<sup>rd</sup> ed 2010), para 9.9.

<sup>24</sup> In addition, it can only authorise a wedding in an Anglican church that the parties are eligible to marry in, whether on account of being resident in the parish or on the church's electoral roll (Marriage Act 1949, s 15) or by establishing a qualifying connection (Church of England Marriage Measure 2008, s 2(1); Marriage (Wales) Act 2010, s 3(1)). This is why respondent 1396 had to change their venue: as they explained 'Original wedding was in Wales, quite a long way from where we live, and where our parents live. In order to get the emergency licence and get our parents there, we had to do it closer to home, so we got married in my hometown instead.' To authorise an Anglican wedding in a different location, a special licence is needed.

<sup>25</sup> Under the Marriage Act 1836, which established the process for marrying other than according to the rites of the Anglican church, there were two forms of civil preliminary, the superintendent registrar's certificate and the superintendent registrar's licence, the former being modelled on the calling of banns and the latter on the common licence. The waiting period for the latter was initially 7 days but was reduced to just one by the Marriage and Registration Act 1856: see R Probert, *Tying the Knot: The Formation of Marriage 1836-2020* (Cambridge, Cambridge University Press, 2021), chs 3 and 4.

<sup>26</sup> The Immigration and Asylum Act 1999 substituted a standard 15-day period of notice for all non-Anglican weddings, in place of the existing 21-day wait for those marrying by superintendent registrar's certificate without licence and the single day for those marrying by superintendent registrar's certificate with licence. The waiting period was then increased to 28 days by the Immigration Act 2014.

wedding forward that did not exist for those marrying according to other rites. The slight preponderance of religious weddings was therefore the result of opportunity as well as motivation.

Overall, though, the initial confidence that any interruption would be short-lived meant that many who had been planning to marry later in the year would have seen no need to change their plans. But for those who had not managed to bring their wedding forward – who comprised the vast majority of survey respondents – there was to be a long wait before it would once again be possible to have a legal wedding.

## The impact of lockdown

On Monday 23 March 2020 the Prime Minister announced that the Government would ‘stop all social events, including weddings, baptisms and other ceremonies’.<sup>27</sup> While the subsequent regulations did not ban weddings specifically, the restrictions they imposed made it impossible for them to take place save in exceptional circumstances. The regulations stipulated that places of worship could only be used for funerals or broadcasting an act of worship,<sup>28</sup> required the vast majority of approved premises to close,<sup>29</sup> and, even more fundamentally, imposed a ban on gatherings of more than two people in any public place.<sup>30</sup>

In this section we first examine the limited circumstances under which legal weddings could take place, before going on to show the far broader range of reasons why couples wanted to get married and the consequent resort to non-legally binding ceremonies across a range of different religious groups.

### The limited circumstances under which legal weddings could take place

In practice, three types of weddings were able to go ahead even during lockdown.

First, there were weddings where one of the parties was seriously ill and not expected to recover. Such weddings could be authorised either by a special licence (in the case of Anglican weddings) or by a Registrar-General’s licence (for all other types of weddings).<sup>31</sup> None of the survey respondents or interviewees had obtained either a special licence or a Registrar General’s licence, but the media reported a number of examples. *The Sun* featured a story about a former truck driver who had been diagnosed with lung cancer obtaining a special licence to marry at home after his planned register office wedding was cancelled.<sup>32</sup> One local newspaper reported three weddings of people with terminal illnesses within the borough during lockdown; as these were conducted by registration services they were presumably authorised by a Registrar General’s licence.<sup>33</sup>

Second, there were weddings where a family member was seriously ill and not expected to recover. Such weddings could be authorised by an Anglican special licence, but there was no equivalent facility for non-Anglican weddings. While an application may be made to shorten the 28-day waiting period, there is no mechanism by which the type of wedding that would normally take place in a registered place of worship, register office or approved premises can be authorised to take place elsewhere to permit a family member who is ill and

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<sup>27</sup> <https://www.gov.uk/government/speeches/pm-address-to-the-nation-on-coronavirus-23-march-2020>.

<sup>28</sup> The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, SI 2020/350, reg 5(5) and (6).

<sup>29</sup> The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, SI 2020/327; The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, SI 2020/350, reg 5(3).

<sup>30</sup> There were exceptions where the gathering was ‘essential for work purposes’ or ‘reasonably necessary.... to participate in legal proceedings or fulfil a legal obligation’: The Health Protection (Coronavirus, Restrictions)(England) Regulations 2020, SI 2020/350, reg 7(b) and (d)(iv).

<sup>31</sup> In order for a Registrar General’s licence to be granted, the Registrar General must be satisfied that one of the intended spouses ‘is seriously ill and not expected to recover’; that this person cannot be moved to a place where the marriage could be solemnised under the provisions of the Marriage Act 1949; and that they understand the nature and purport of the ceremony. A certificate from a registered medical practitioner will generally be necessary to establish that these conditions are satisfied: Marriage (Registrar General’s Licence) Act 1970, s 1(2) and 3(d).

<sup>32</sup> “‘Perfect Day’: Vicar gets special permission from Archbishop of Canterbury to wed couple in garden”, *The Sun*, 14 May 2020.

<sup>33</sup> Tony Earnshaw, ‘Three weddings have taken place in Kirklees during lockdown for very special reasons’, 19 June 2020, <https://www.examinerlive.co.uk/news/west-yorkshire-news/three-weddings-taken-place-kirklees-18448667>.

not expected to recover to attend.<sup>34</sup> The ceremony conducted by one imam, A104, illustrates the type of situation where an equivalent of the Anglican special licence would have been beneficial:

The last ceremony I did was... [a] *nikah* ceremony for a couple in [city] whose civil wedding is set for next Easter, April I think. And originally, they had asked me to do the *nikah* around the same time, in fact I think just before or just after the ceremony on the same day. Or maybe a day before or after. I get a lot of requests like that. So, that was the initial plan. But then sadly, the bride's dad was diagnosed with cancer and fell very ill, we set a date and then the dad was still in hospital, so that couldn't be done. Then the new lockdown rules came in... were about to come in with the rule of 6 and of course they wanted their brothers and sisters, a large family group of probably 30 or 40. Because of the rule of 6 we tried to get it done on the weekend before the rule of 6 came in so that they could all attend. But, again, the dad was still in hospital. So, that didn't work. So, then finally we did it two weeks ago in the dad's home... in his room, actually, because he is basically bedridden or chair-ridden and there was the absolute minimum. So, bride, groom and both their parents.

Third, there were other weddings conducted by special licence. The wedding of a doctor and nurse in a hospital chapel, reported by *Metro* in May 2020, was presumably authorised by a special licence.<sup>35</sup> Since those involved all worked in the same place, they were presumably not subject to the prohibition on gathering together that precluded other weddings from taking place.<sup>36</sup>

As this indicates, there were more options for couples to get married according to Anglican rites than according to other religious rites or in a civil wedding. The key reason for this lies in the difference between the narrow circumstances in which a Registrar General's licence can be obtained and the lack of statutory constraints on when an Anglican special licence can be granted.<sup>37</sup> Moreover, in practice, the issue was not merely one of legality but also of accessibility. The Faculty Office was impressively swift to act in response to the pandemic, noting on its website that it would 'continue to facilitate the issue of a Special Marriage Licence for a Church of England/Church in Wales wedding to proceed in a hospital, hospice or at home where one of the parties is terminally ill (whether through Covid-19 or otherwise).'<sup>38</sup> As it went on to note, however,

Clearly, any decision to proceed with a wedding in these circumstances will, as always, be one for the clergy and parties and will need to be based upon medical advice and with social distancing policies and guidance applied as regard the officiant and witnesses. The permission of the hospital or hospice authorities will always be required in writing.<sup>39</sup>

To deal with the particular requirements of the pandemic, the Faculty Office created a new application form that could be submitted electronically and issued new guidance regarding

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<sup>34</sup> This has to be carefully worded, given that Jewish and Quaker weddings are not subject to any legal constraints on *location*, although they are of course subject to the same rules on giving notice.

<sup>35</sup> 'Doctor and nurse tie the knot in hospital chapel after wedding cancelled because of coronavirus', *Metro*, 26 May 2020: <https://metro.co.uk/2020/05/26/doctor-nurse-tie-knot-hospital-chapel-wedding-cancelled-coronavirus-12760970/>.

<sup>36</sup> The parties both worked at St Thomas' hospital, and the wedding was conducted by the Reverend Mia Hilborn, the head of spiritual healthcare at Guy's and St Thomas' NHS Foundation Trust.

<sup>37</sup> The legal differences between the special licence and the Registrar-General's licence were further magnified by the fact that it was far easier to apply for the former than the latter: see further R Probert, 'Love in a COVID-19 climate', *Law and Religion UK*, <https://lawandreligionuk.com/2020/05/05/love-in-a-covid-19-climate/>; Probert and Pywell, 'Love in the Time of COVID-19', above n 2.

<sup>38</sup> <http://www.facultyoffice.org.uk/special-licences/marriage-law-news/>, accessed 29 April 2020.

<sup>39</sup> <http://www.facultyoffice.org.uk/special-licences/marriage-law-news/>, accessed 29 April 2020.



the evidence required. Although its physical premises were closed, the website helpfully gave the direct telephone numbers of the Chief Clerk, Neil Turpin, and the Clerk, Patrick Roberts. The revised guidance also made it clear that the office was 'willing to send and receive copies of the [required] documentation ... by email to expedite matters, on the understanding that the hard copies will be sent on afterward.'<sup>40</sup>

Its guidance also set out a model for the letters that it would require from a doctor confirming that the patient 'is seriously ill, is unlikely to recover, cannot/or should not be moved to a place registered for a marriage and understands the nature of marriage' and from the hospital or hospice management confirming that the wedding could go ahead on the premises.<sup>41</sup>

This facilitative approach stood in sharp contrast to the approach adopted by local authorities to the Registrar General's Licence. Despite the name, application for a Registrar General's Licence is not made direct to the Registrar General but to the superintendent registrar for the district in which the person seeking the licence is resident. A survey of 169 websites conducted on 2 April 2020 found that the vast majority of local authorities in England and Wales were simply stating that they were not conducting wedding ceremonies because of COVID-19.<sup>42</sup> Of the 169, 143, or 85%, did not mention the possibility of a Registrar General's Licence in their guidance. A few made reference to the existence of special provisions for those who were ill, but only as part of their general advice rather than as a specific response to the crisis.<sup>43</sup> In addition, some of the headings - such as 'arranging a marriage or civil partnership in difficult circumstances' - were not specific enough to be helpful.<sup>44</sup>

Some local authorities explicitly stated that they would not be issuing Registrar General's licences. Powys County Council, for example, stated on its website that it has decided that its Registration Staff 'will not conduct Registrar General Licence weddings during the pandemic period to ensure the health and safety of staff and clients.'<sup>45</sup> A few stated that requests for a marriage or civil partnership conducted on the basis of a Registrar General's Licence will be considered on a case-by-case basis. Birmingham City Council, for example, advised that:

Registrar General Licence requests for marriage/civil partnerships are being risk assessed and considered on a case by case basis. Advice from Public Health England is being adhered to and staff safety is paramount and considered before proceeding with any request to undertake ceremonies for customers diagnosed with COVID-19. Engagement must take place with the GRO nationally in the normal manner before proceeding.<sup>46</sup>

The original version of this statement added that '[t]he presumption is generally these requests will not be granted at this time' but this was later removed.

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<sup>40</sup> Faculty Office, 'Emergency Marriages in Hospital, Hospice or at Home (England and Wales)', 9 April 2020, available at <https://sfoulkesuksilverfox.wufoo.com/forms/p1394t9b1ahgni5/>, accessed 29 April 2020.

<sup>41</sup> Ibid, Annexes A and B. The criteria echo those required for a Registrar General's Licence.

<sup>42</sup> 169 websites were reviewed, covering a mix of counties, unitary authorities, metropolitan boroughs and London boroughs.

<sup>43</sup> See eg <http://www.hull.gov.uk/communities-and-living/marriages-and-ceremonies/urgent-marriages-and-civil-partnership>; 'Getting married if you are ill': <https://www.knowsley.gov.uk/residents/births,-deaths-and-marriages/marriage-and-civil-partnership-venues>;

[https://www.oldham.gov.uk/info/200130/marriages\\_and\\_civil\\_partnerships/634/how\\_to\\_get\\_married/6](https://www.oldham.gov.uk/info/200130/marriages_and_civil_partnerships/634/how_to_get_married/6);

<sup>44</sup> See eg

[https://www.richmond.gov.uk/services/registration\\_services/marriage\\_and\\_civil\\_partnerships/arranging\\_a\\_marriage\\_or\\_civil\\_partnership\\_in\\_difficult\\_circumstances](https://www.richmond.gov.uk/services/registration_services/marriage_and_civil_partnerships/arranging_a_marriage_or_civil_partnership_in_difficult_circumstances)

<sup>45</sup> <https://en.powys.gov.uk/article/8818/Coronavirus-COVID-19---Registrars>, accessed 2 April 2020.

<sup>46</sup> [https://www.birmingham.gov.uk/news/article/570/update\\_to\\_registration\\_and\\_bereavement\\_services](https://www.birmingham.gov.uk/news/article/570/update_to_registration_and_bereavement_services).

## The postponement of planned weddings

Of the 1,449 respondents to the online survey, 615 had been unable to marry on their intended wedding date because it fell during the period of lockdown.<sup>47</sup>

Within this group, individuals obviously had no choice but to postpone their wedding. The impact of the lockdown restrictions did however depend on when they had been planning to marry. A few reported how they had been planning to marry in late March 2020 and had been working to revise their plans in line with the government's guidance on gatherings when lockdown was announced and the wedding had to be cancelled at the last minute. As respondent 362 commented:

We were due to marry on 27-03-2020 and the event got cancelled 2 days before hand. During the lead up to the wedding we were liaising with registrar, venue guests etc about government guidelines as they were happening so all could stay safe.

Those who had been due to marry in April or May 2020 at least had the certainty of knowing from 23 March that their wedding would not be able to go ahead. But given the time that many had spent planning the wedding, the impact on them was still considerable. As respondent 256 reported, '[o]ur original date was 9th April and it took a big emotional toll to lose [it] just 3 weeks and 1 day before.' Respondent 965 similarly commented that:

As weddings are so stressful to plan, this has been an extremely emotional and stressful time for us. We were only 6 or 7 weeks away from marrying when lockdown happened and on the actual day, even the weather was perfect! As the bride, I was particularly affected and it took me several weeks to come to terms with the postponement.

Those who had been due to marry in June faced still greater uncertainty as there was the hope that weddings might be able to go ahead. As respondent 99 reported:

We were due to get married on 23 June in a registry office with a total of 13 guests (inc ourselves). We made it clear that we would proceed with the legal minimum, if allowed. The wedding was cancelled by the registry office two weeks prior as there had been no guidance from govt.

Respondent 504 also highlighted the sense of uncertainty generated by the lack of guidance:

The registry office ceremony team didn't have updates from the government so couldn't let us know what was happening which made us feel like we had been abandoned as we didn't know what could do or what to try to arrange.

The impact of having to postpone, as well as the broader impact of the pandemic, was powerfully articulated by respondent 784:

It is hard not to feel as though the impact of the coronavirus has well and truly taken away the joy and excitement of an upcoming wedding, when of course we realise that a wedding in the grand scheme of things is not a real priority for society the world over,

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<sup>47</sup> Since the end date of lockdown differed between England and Wales, we had an initial question that separated the two. Restrictions were lifted with effect from 22 June in Wales and 4 July in England: The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 6) Regulations 2020, WSI 2020 No 619 (W 141); The Health Protection (Coronavirus Restrictions) (No 2) (England) Regulations 2020, SI 2020 No 684.

at the moment. We acknowledge the death, the illness, pain and distress this horrible disease has caused to millions all over the globe; but it can not be denied that significant human rituals, such as weddings - and the inability to practice these rituals with loved ones and family and friends, at a time when human closeness and interaction is craved more than ever - has left so many couples, like ourselves, feeling lost and robbed of a major life experience. When the planning and organisation of a major event comes to an end, there is often the reward of the event itself. With all the uncertainty, surrounding whether our latest postponement can even go ahead, it has left us feeling lost, deflated, depressed to a degree. Many will think "it's just a big party; get some perspective", but to those couples and families affected, grieving a day that should have been is truly heartbreaking. In times of hardship and hurt, people look to our known traditions and rituals for certainty and hope for the future - without these ceremonies, people are left hopeless.

In making such limited provision for legal weddings to take place, no thought seems to have been given to the importance of marriage, in particular for couples who consider it a prerequisite for living together. As the next section will discuss, this led some couples to opt for a non-legally binding ceremony to legitimate their relationship in the eyes of their religion.

### Non-legally binding ceremonies

Non-legally binding ceremonies took place during lockdown for many reasons. In some cases the impending death of one of the couple meant that even obtaining a special licence or Registrar General's licence was not an option. On 21 April 2020 the BBC reported a case of a chaplain who had conducted a service for a patient with suspected Covid in his last hours of life. The couple had been together for many years but had never had either the time or the money to marry, as '[I]f he had kept getting in the way.'<sup>48</sup> The chaplain was unable to conduct a legally binding wedding in the circumstances, but the ceremony enabled the couple to exchange words of commitment before it was too late.

Many of those who would normally only have conducted a ceremony if the couple were already legally married, or as part of a legal wedding, made an exception in 2020. This was the case across a range of different religious groups – Christian, Jewish, Muslim, Hindu and Sikh. In the words of L-221, an Orthodox rabbi:

because of this, you know, amazing chaos that's been going on this year, I've had to say to people, "Look, whilst we would normally insist that the civil registration takes place concurrently with the religious ceremony, in these circumstances, provided we have an assurance that as soon as possible thereafter, if it can be done, that you'll get married in a registry office ceremony." Then we've allowed a separation of the two ceremonies. But this is, you know, I've been doing this job for over 30 years. We've never been in this, sort of, situation before. But we're just trying not to make life more unpleasant and frustrating for people than is absolutely necessary to do.

E-152, a Baptist minister, similarly noted how one couple 'in the life of the church' had been due to get married 'and when the first lockdown came they wanted to be able to live together and for us that means they need to get married'.

One couple who had opted to have a non-legally binding ceremony, interviewees 002A and 002B, explained how being married was similarly essential to making their relationship legitimate in the eyes of their families and their faith. As the former noted, they had only decided to marry in May 2020, and while they could have waited a few months, 'we didn't

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<sup>48</sup> BBC, 'Coronavirus doctor's diary: The patient who married hours before dying', 21 April 2020, <https://www.bbc.co.uk/news/health-52358078>.

want to... Because we didn't want to commit sin... being around each other, being together, was not lawful'.

Other couples who had been unable to have their legal wedding on the day that they had planned still wanted to mark the occasion. The *Daily Mail* reported the case of a couple who had had the intended date of their wedding engraved into their wedding rings and had exchanged those rings in a ceremony at on that day.<sup>49</sup> Among those involved in conducting ceremonies, G-177, a Humanist celebrant, similarly reported being contacted by a couple saying 'we would really like to do something on the day that we were due to get married because, in our head, that's our wedding day'.

That ceremony, like many others, took place via Zoom, the only option for many couples during periods of lockdown given that the restrictions on gatherings generally ruled out even non-legally binding wedding ceremonies taking place in person. In other parts of the world, it should be noted, provision was made for legal weddings to take place virtually. These included jurisdictions as diverse as the United Arab Emirates and the State of New York.<sup>50</sup>

In England and Wales, however, the virtual ceremonies that took place lacked legal status. In addition to G-177, another Humanist celebrant, G-173, had also conducted a ceremony online, which she described as 'an amazing experience and actually something to be really treasured', while L-222, an Anglican clergyman, reported pronouncing 'a blessing over a couple over Zoom from California'.

In terms of the numbers involved, however, the most significant development was the rise of the online *nikah*. The permissibility of online *nikah* ceremonies became a point of discussion in many Muslim communities, and it was generally deemed to be a perfectly legitimate way to marry as the conditions of validity of a *nikah* were met, most notably the need for witnesses. The witnesses are generally required to be present at 'one session' and able to hear the *nikah* take place, and the ceremony including both offer and acceptance of the marriage must occur in the same meeting.<sup>51</sup> It was reported that Sultan Ahmed, director of the Nikah Company, a Muslim matrimonial service in the UK, had conducted more than 100 *nikahs* online with three other imams.<sup>52</sup> Among those involved in conducting ceremonies, A-104 commented that he had had done around 10 *nikahs* by Zoom since lockdown started, and A-103 noted that he was also 'getting enquiries for more Skype or Zoom related *nikah* ceremonies'. In light of the existing levels of non-legally binding ceremonies within Muslim communities, this solution seems to evidence a potential rise in the ease with which *nikah* ceremonies can be formed in the future and therefore perhaps an increased likelihood of *nikah*-only marriages taking place in the absence of a legal ceremony.<sup>53</sup>

Those involved in conducting ceremonies also emphasised that it was important for those for wanted be married in order to live together that the virtual ceremony was conceptualised as a marriage rather than just a celebration. E-152 had conducted a ceremony via a combination of Zoom and YouTube: as he noted, 'that was their marriage and we followed up and did the legal part of it later on'. D-141, an imam, explained that a virtual ceremony would satisfy the couple 'spiritually, religiously, even socially to that extent'. While A-103

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<sup>49</sup> 'Couple with 25-year age gap celebrate lockdown wedding as they exchange vows in their living room surrounded by Harry Potter trinkets and listening to Elvis music', 8 April 2020 <https://www.dailymail.co.uk/femail/article-8199497/Couple-forced-lockdown-wedding-tie-knot-living-room.html>.

<sup>50</sup> See Probert and Pywell, 'Love in the Time of COVID-19', above n 2.

<sup>51</sup> See further <https://aboutislam.net/counseling/ask-about-islam/is-getting-married-over-zoom-permissible/>.

<sup>52</sup> <https://www.aljazeera.com/features/2020/10/28/uk-muslims-turn-to-apps-to-find-love-get-married-in-lockdown>.

<sup>53</sup> On the likely consequences of this, see further below.



acknowledged that there was ‘a difference of opinion amongst scholars with regards to its validity under some circumstances’ but ‘that is where we are’.<sup>54</sup>

While none of those involved in conducting ceremonies specifically mentioned any taking place in person during lockdown, one participant, whose *nikah* had taken place on 30 May 2020, had found someone willing to come to her house. While only immediate family had been in attendance, this was still not in accordance with the rules at the time that restricted people from different households meeting, and she had been nervous about the possibility of the police turning up to investigate.

However, the account that interviewee 040 gave of her wedding also illustrated how some *nikah* ceremonies might have been able to go ahead without flouting the rules on gatherings. As she explained, her *nikah* was conducted by her father, with her ‘other half’ (as she described him) giving his consent a couple of days later in a separate location.

From 1 June, restrictions on gatherings began to be relaxed. The new guidelines allowed groups of up to six people from different households to meet outdoors, including in private gardens. Given that most legal weddings can only take place in a specific structure, this was of little use to those wanting to get married. On 10 June it was announced that single-adult households could join with another household to form a ‘support bubble’, enabling them to meet indoors and even stay overnight; this was no doubt welcome news for couples who were ‘living apart together’ and who had been separated during lockdown, but again did little to assist those who wanted to marry before they lived together.

However, even if restrictions on legal weddings remained, these changes meant that non-legally binding ceremonies could move from virtual to physical spaces without flouting the Covid restrictions. While those who had conducted non-legally binding weddings during 2020 did not always give us the exact dates, many participants – including A-103, A-106, D-131 and D-143 – told us how they had conducted ceremonies in people’s homes. C-122 stressed that he had tended not to conduct *nikahs* in people’s homes pre-Covid, but had ‘done a few’ over the lockdown period. C-124 similarly noted that he preferred to conduct the *nikah* in the mosque but had likewise conducted ceremonies at home where people were struggling because of the Covid restrictions.<sup>55</sup>

In the meantime, Northern Ireland had permitted outdoor weddings and civil partnerships to go ahead from 8 June.<sup>56</sup> Its marriage law, revised in 2003, had already made provision for weddings and civil partnerships to take place outside, focusing on regulating the person rather than the place.<sup>57</sup> For some religious groups, this provided a double attraction: not just the possibility of getting married, but also being able to do so according to their own rites rather than having to have a separate wedding in the register office. As E-154 reported:

with Covid, we had situations where we had Bahais from England who were going to Northern Ireland to get married because the Registry Offices were closed in England

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<sup>54</sup> The Nikah Co posted a blog explaining how it had consulted with imams and senior scholars from the British Board of Scholars and Imams before offering virtual *nikahs*: <https://www.thenikahco.com/post/online-nikah> (accessed 12 October 2021).

<sup>55</sup> Small weddings at home – conducted by independent celebrants and imams – were also noted by 025 and 036 respectively.

<sup>56</sup> The Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020 SR 2020/96; ‘Coronavirus: NI aims to allow small outdoor weddings from June’, 28 May 2020, <https://www.bbc.co.uk/news/uk-northern-ireland-52809997>; David Pocklington, ‘Outdoor weddings in Northern Ireland’, *Law and Religion UK*, 9 June 2020, <https://www.lawandreligionuk.com/2020/06/09/outdoor-weddings-in-northern-ireland/#more-58564>

<sup>57</sup> Marriage (Northern Ireland) Order 2003. For discussion see F Cranmer and S Thompson, ‘The Changing Landscape of Marriage and Civil Partnership in Northern Ireland’ [2018] *Child and Family Law Quarterly* 301.

and they wanted to get married and so they flew over to Northern Ireland and got married there, where it's legal, without having to have the Registry Office.

## The impact of Covid regulations on getting married

On 23 June – three months after announcing the lockdown – the Prime Minister set out how step 3 of the government’s ‘plan to recover’ would be implemented ‘as planned’ on 4 July in England.<sup>58</sup> This included the possibility of legal weddings taking place.<sup>59</sup> However, restrictions on how they could take place remained, and while these were the same for all weddings, they affected different types of religious weddings in different ways.

In this section we first review how the uncertainty as to when weddings would be permitted to take place led many couples to make other arrangements, thereby reducing the number of weddings that might otherwise have taken place after 4 July 2020. We then look at the challenges that couples faced in complying with the requirements for a legal wedding, and how some chose to have a non-legally binding ceremony instead. Finally, we consider the impact of the restrictions that were imposed on the numbers who could attend a wedding, on its duration and form, and on the rituals that could be included.

### The uncertainty as to whether it would be possible to marry legally

For many couples who had originally been planning to marry in July or August 2020, the announcement on 23 June came too late as they had already rearranged their plans. As respondent 27 explained:

It has been very stressful listening to the government lockdown press releases, with minimal information given initially as to whether our upcoming nuptials were able to take place. The government website assured that more information would be given about weddings on the 1st June, however when this date came around the website changed to say that no further information was available about weddings at this time. We were given a deadline of two weeks from this date to make our decision by our wedding venue, so we unfortunately had to make the decision to postpone our August 2020 wedding quite early on as the venue needed to be able to make preparations with adequate time to set up the venue. If there had been clearer advice earlier on (on 1st June) we may have been able to have our ceremony this year. If a longer term strategy had been put in place, we would have felt more comfortable in making the decision to postpone without the stress of uncertainty.

Many others similarly noted that they had postponed their wedding at least twice, once because the original date was within the lockdown period and then again when there were doubts as to whether weddings would be possible on the rescheduled date.

We postponed initially to September 2020 but the stress of worrying about what it would be like this year made us move to next year (respondent 1399).

### The difficulty of complying with the legalities

Even when it was possible to get married legally, couples still faced challenges in complying with the requirements for a legal wedding.

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<sup>58</sup> Weddings had already been permitted to go ahead in Wales from 22 June: The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020, WSI 2020 No. 619 (W. 141).

<sup>59</sup> Health Protection (Coronavirus Restrictions) (No 2) (England) Regulations 2020, SI 2020 No 684.

For those who had been planning to marry in a particular Anglican church after establishing a 'qualifying connection' there by attending services,<sup>60</sup> the disruption to services had rendered this impossible. As respondent 846 reported:

We had chosen to marry in a church outside of our parish, as it was next to our reception venue; however we were required to create a 'connection' to the church by attending the minimum of six services in the lead up to our wedding date. We were about halfway through when the churches were closed due to the pandemic.

As a result, they were not able to create the required connection to marry in that church. Respondent 882 similarly noted that the date of their wedding had moved to August 2021 as '[w]e had to qualify in church by attendance', while respondent 737 reported:

We have 6 weeks of panic because we weren't able to attend habitual services at the church we were getting married at. I had 6 weeks of 'you can't get married here because you don't qualify to get married here'.

A further problem for those planning an Anglican wedding was that any banns called prior to 23 March 2020 would have lapsed by the time it was actually possible to get married, and during lockdown it would not have been possible for banns to be called in church. Respondent 234, who was planning to marry in November 2020, noted that the wedding had been delayed because it had not been possible for the banns to be read in time 'because of local parish opening churches slowly and not having weekly services initially'. The option of obtaining a common licence meant that weddings could go ahead even if there was not time for the banns to be called, but this came at a cost, as respondent 1287 reported:

Our parish church is unable to read our banns on three consecutive services so we have had to apply for a common license (which costs £200, whereas the reading of the banns was £30).

Of the 15 survey respondents who reported that they had married in July 2020, five had done so in an Anglican church.

For all other couples, the necessity of giving notice and the subsequent 28-day period posed more of a problem. Unless a couple had given notice *before* lockdown, there was no way for them to get married in July 2020. Those who had given notice too long before lockdown might also find that their notices had expired and have to give notice again.<sup>61</sup> Nor, indeed, was it easy to secure an appointment to give notice to start the 28-day period. With register offices having been closed, registration officers had a backlog of cases to deal with and slots were in high demand.

This was reflected in the experience of interviewee 008, who had initially had an appointment to give notice in March, with his wedding due to take place in July. The cancellation of the March appointment had meant that the July wedding could not go ahead. As he reported, having been 'on the phone constantly' to the register office, they were then able to secure a slot to show their documents, and then it was 'almost a counting game' to their legal wedding on 29 August.

Interviewee 049 had had an even more anxious wait. She had wanted to give notice in June in case the date of her wedding – planned for December – needed to be brought forward. However, her local register office was only allowing couples to give notice three months before their intended wedding date in order to manage demand. While it made sense to

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<sup>60</sup> Church of England Marriage Measure 2008, s 1(3); Marriage (Wales) Act 2010, s 2.

<sup>61</sup> For the legal requirements see Probert and Pywell, 'Love in the time of COVID-19', above n 2.



prioritise those whose weddings were taking place sooner, it did make the process more stressful for her, especially as autumn progressed and the risk of another lockdown began to loom. By the time that she was able to give notice in September 2020, there were already doubts as to whether her wedding would be able to go ahead in December, and even whether she would be able to get married on the earliest possible date in October. As she described:

we were going back and forth in our minds do we move the whole wedding forward to October? Then we felt that was a bit soon. And I didn't quite feel that I was ready to be kind of 'married married', because it was in September and we would have been bringing it forward to three weeks' time and I was thinking this is all too stressful... So, in the end, it was actually my Minister from my church... that I was still attending virtually online, suggested the solution of having a legally binding ceremony as soon as possible but not treating that as our real marriage. So, not living together, not physically changing things and not yet considering ourselves married. And that just being very strict and simple. And then, in December, having a marriage before God, which could be in any form that was allowed by lockdown.

She also noted that once she had given notice, her only option was to get married in the church named in the notice; any other option would have necessitated giving notice again and waiting another 28 days. The same dilemma was noted by L-221, an Orthodox rabbi. As he explained, if a couple had originally planned to marry in a hotel with hundreds of guests but were only able to have a total of 15 at the wedding, 'you don't need to hire a hotel for 15 people', but a change of venue meant 'you have to go back to square one... and start all over again'.<sup>62</sup>

Those planning a civil wedding needed to secure *two* slots, one to give notice and one for the wedding itself. Again, the backlog generated by the closure of register offices created problems. Respondent 7 – whose decision to marry had been influenced by the pandemic, 'having spent so long together and getting on very well', reported that their local council 'are still not letting new couple book a ceremony despite it now being over 2 months since ceremonies were allowed'. Interviewee 054 had a Hindu ceremony in India in February 2020, and had planned to have a civil wedding upon their return to England. That having been delayed by lockdown, she reported calling the register office from May to try to arrange a date 'but everyone's marriages were delayed, so the whole registry office was backed up, so we had to wait until October'. Those who had gone through a non-legally binding ceremony during lockdown similarly had to wait some time until a slot was available to formalise their relationship status. A-106, an imam, noted that the couple whose ceremony he had conducted were 'on a waiting list', adding that 'I know in some places they've been told that basically for the remainder of 2020 there's basically no way that they can register their marriage'.

In addition, those who had been planning to marry in a civil wedding on approved premises in Wales faced a further challenge. The provisions that had permitted weddings in Wales to go ahead from 22 June only applied to weddings in register offices or in places of worship. Respondent 1426, who had been due to marry at the end of July, reported being 'left in limbo right up to the week before our wedding'; as they demanded 'how could Wales be right in preventing us from marrying when 20 minutes over the border people could marry in venues from the 4th July.' Respondent 1402 similarly commented that 'We felt we had no choice but to move to a registry office' because of the uncertainty as to when it would be

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<sup>62</sup> While a Jewish wedding does not have to be conducted in a particular type of building, it still needs to take place in the location set out in the notice of marriage. The marriage would be void if the parties knowingly and wilfully married in a place other than that set out in the notice and the person knowingly and wilfully solemnising a marriage in a place other than that specified would be guilty of a criminal offence (Marriage Act 1949, ss 49(e) and 75(2)(a)(ii)).

possible to marry on approved premises, although at the time of the survey they were still waiting to marry.

### The separation of the legal wedding and the non-legally binding ceremony

The challenges in complying with the legalities meant that some couples whose intention had been to have both ceremonies *post*-lockdown decided to have their non-legally binding ceremony first and the legal wedding when that became possible. A-106, for example, reported that a lot of couples were saying to him, 'we don't want to wait. We want to just get the *nikah* done so religiously we're married. And after that, when it comes to whenever it's possible to get the civil done, we shall book that in.' H-185, an independent celebrant, similarly described conducting a ceremony for a couple who were planning to travel to a registration district that was still taking bookings when their local one was not.

In some cases it seemed that couples had had a slot for their civil wedding but that it had been cancelled at short notice. Respondent 1288 reported that:

Our Registry Office did not tell us until a WEEK before our wedding date (originally the 24th July 2020) that our wedding would not go ahead. They were not ready to commence until the [day] after our chosen date (25th) - So we had to go ahead with our plans and have a small ceremony in the pub we had booked, socially distanced instead with 9 of our close friends and family, as we had a venue / food / photographer / accommodation booked and would have lost money on this day! We were very stressed / angry about the situation. So many angry couples in our region, that instead of dealing with this, the Registry Office made the announcement at 5pm on the Friday night and all went home so we couldn't get in touch with the team until the following week (the week of our wedding!) - a disgrace.<sup>63</sup>

D-132 also reported how a civil wedding had been scheduled for the same day as the *nikah*, in line with his mosque's requirements, but that the local authority had cancelled it on the day. Under these 'exceptional circumstances' he had allowed the *nikah* to take place in the masjid; his compromise being to defer giving the couple their *nikah* certificate until they had married legally.

In another case it was a wedding in the registered place of worship that was cancelled at short notice. Interviewee 042 had given notice in December 2020 of her intention to marry in a specific gurdwara in January 2021; in the event, however, the authorities of the designated gurdwara did not want the wedding to take place there, and they had had a non-legally binding ceremony in a different gurdwara.

Some independent celebrants also reported that couples had chosen to have a ceremony led by them because their legal wedding had been cancelled. F-167 had conducted one at the end of September 2020 for a couple who had 'tried twice before to have a legal marriage... that had gone by the by'. In addition, G-171 noted that some registration officers had even been referring couples to independent celebrants if they themselves were no longer able to conduct the wedding on the date the couple had planned.

A number of the survey respondents also reported choosing to have a celebrant-led ceremony in addition to their legal wedding. In the case of respondent 1098 the two ceremonies were on the same day, with the celebrant-led ceremony compensating for the pared-down nature of the legal ceremony:

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<sup>63</sup> They added that they had managed to reschedule their wedding to the following week.

We legally married in a small ceremony with immediate family and then headed off to have a personal celebrant led ceremony outside. With all the restrictions in place the legal ceremony felt very clinical and impersonal and we are so thankful to have the celebrant led ceremony after to make it more personal.

Others were planning to have the legal wedding first and the celebrant-led ceremony as part of a larger celebration. As respondent 1213 explained:

Due to the limits on the ceremony itself we were unable to do our own vows or readings. As a result, we are hosting a sequel wedding next year, where we have hired a celebrant so that we can exchange our own vows as we planned originally.

Respondent 825 was also planning to have another ceremony at some point but had 'decided to postpone the ceremony (with an independent celebrant) and reception indefinitely, quite possibly for a few years'. Respondent 71 was also looking ahead and contemplating that there might still be increased demand in 2022, and that if the registrar was not available on their postponed date they would 'legally marry in a registry office and have a celebrant-led ceremony on our wedding day'.

Conversely, some of those who were planning an additional Humanist ceremony expressed the hope that they might be able to have a legally recognised Humanist wedding by the date of their rescheduled ceremony. As respondent 1055 noted:

We found out about them [Humanist weddings] and thought they were perfect for us. We also hope that by September next year they will be legal because of the high court decision that was in the news, so we don't have to have two ceremonies.

### **The impact of Covid restrictions**

Under the guidance issued by the government, the number of those attending a wedding was initially limited to a maximum of 30.<sup>64</sup> This was the maximum number permitted at the time of the online survey. Over the remaining months of 2020 the permitted numbers were further limited to 15,<sup>65</sup> and then to six in regions classified as being in Tier 4.<sup>66</sup>

A number of those involved in conducting ceremonies during that time identified how couples had had to change their plans, sometimes more than once, to deal with the changing rules. K-214 reported how one Hindu wedding that had been intended to take place in June with 400 guests had been postponed to September with 30 guests, and then on to November with 15 guests, and had finally taken place on 21 December. Another noted that he conducted his most recent wedding 'just a couple of days before the new restrictions of tier four came in place'; this couple had originally been scheduled to marry in May but had had three cancellations. C-123 had conducted two ceremonies at the mosque the night before a local lockdown; these had been brought forward and so had to be conducted in something of a rush, after the evening prayer. Similarly F-165, an independent celebrant,

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<sup>64</sup> <https://www.gov.uk/government/publications/covid-19-guidance-for-small-marriages-and-civil-partnerships>, issued 29 June 2020. This number included 'all those at the ceremony, including the couple, witnesses, officiants and guests', plus 'any staff who are not employed by the venue, which may include photographers, security or caterers' but not staff employed by the venue.

<sup>65</sup> From 24 September 2020. For discussion of this change, and of the confusion as to how it applied to different types of non-legally binding ceremonies, see R Sandberg, 'Non-qualifying marriages and the COVID Regulations', *Law & Religion blog*, 13 October 2020: <https://lawandreligionuk.com/2020/10/13/non-qualifying-marriages-and-the-covid-regulations/>.

<sup>66</sup> From 19 December 2020: <https://www.gov.uk/government/speeches/prime-ministers-statement-on-coronavirus-covid-19-19-december-2020>.

noted the stress of trying to organise even a six-person ceremony outdoors when the rules were continually changing.

### *The impact of restrictions on numbers on the decision to postpone*

The relatively small number of survey respondents who were planning to marry in a register office with just two witnesses were hopeful that they would be able to go ahead as planned. As respondent 1435 noted, '[w]e had the smallest wedding possible booked so haven't really been impacted too much.'

Those who had been planning to marry in an Anglican ceremony or on approved premises were more likely to report that they were now planning to marry in 2021.

The responses to the final open question in the survey revealed three factors relating to the permitted numbers that affected the decision to postpone: first, the uncertainty as to whether the rules as to numbers would change again, second, the deposits that they had paid, and, third, the terms of their insurance.

The fact that so many respondents highlighted their sense of uncertainty about the numbers that might be permitted to attend their wedding was unsurprising, given the changes that had taken place while the survey was open. As respondent 1000 commented:

We completely understand why weddings were not possible from March-early July but the government announced weddings with up to 30 guests could go ahead from 4th July (that was our original date), then clarified they meant wedding ceremonies only, to be carried out as quickly as possible, with guests returning immediately home (circumstances that made the wedding pointless for most couples). They then announced wedding receptions with 30 guests could go ahead from 1st Aug, only to postpone that with half a day's notice. We have no idea if small receptions will be possible in 2 weeks, 2 months or longer.

Some respondents also reported that they had already paid for a certain type of wedding and would lose that money if they changed to a different venue. As respondent 905 explained:

due to deposits we've had to rebook for a date we didn't want and potentially with less people... We would have cancelled if we could have gotten a refund and just had a small registrar office wedding but we would lose £1,000's in payments made.

Respondent 805 similarly reported that as they had already paid in full 'we were unable to make changes'. And for respondent 1040 the issues were particularly acute:

We'd still love to get married in October but if we can only have 30 people, is that worth the £10k we've already spent on deposits? Or should we postpone again and risk our elderly grandparents never seeing us getting married? And also have to delay starting a family even further?

Respondent 27 had been constrained by the terms of their insurance, having discovered that having their legal ceremony (with reduced numbers) and holding a blessing with the remainder of their celebrations in 2021 would have 'invalidated our wedding insurance'. Their wedding had therefore been rescheduled to August 2021.

Fifty-three respondents vented their anger at what they saw as the inconsistency of the rules in allowing pubs and restaurants to open, and leisure and sporting events to go ahead, with



far more than 30 people present in one place.<sup>67</sup> Respondent 441 expressed this in particularly evocative terms:

what hurts the most is that hundreds can gather inside and outside of pubs, flirting, touching, and kissing strangers. We wouldn't dare put our family and friends at risk, and yet they cannot even celebrate the most important day of our lives with us.

While the restrictions on gatherings of groups were in fact the same, it is easy to see why respondents would focus on the total number assembled in one space. In addition, meeting casually in a pub was obviously far harder to regulate than a formal reception for which specific numbers had to be booked. Respondent 355, who was going ahead with a small wedding, planned to use this to her advantage:

The registry office we are to be married at will only allow me and my partner and our parents no other guests so we are going to get married and then go to the pub (yes in my wedding dress 😊) to celebrate with friends and family there as you can meet up in the pub legally but not for a celebration.

### *The impact of restrictions on numbers on non-legally binding ceremonies*

It was noticeable how those who had been involved in conducting non-legally binding ceremonies were all very keen to emphasise that the rules on numbers had been followed. This was the case whether the ceremony had been conducted in a place of worship, a wedding venue, a restaurant, or at home. Almost all cited the number attending as either 30, 15, or 6, depending on when the ceremony had taken place. The only person to mention a higher number was B-111, who referred to 'about 35, 40 people' but even he added that they were 'all socially distancing'.

The fact that they laid so much stress on this was perhaps a reflection of media reports about non-legally binding ceremonies flouting the rules and a sense that non-compliance was being policed, whether formally or informally. Concern about potential police intervention had led interviewee 053 to have her *nikah* at home rather than in a venue as originally planned.<sup>68</sup> G-172, an independent celebrant, reported that the neighbours had called the police when she conducted a ceremony for 30 people in the couple's back garden, although, as she was quick to add, 'it was found to be legal and they were fine'. This sense of individuals being alert to potential infractions of the law by others was evident within focus group J, when J-204 was subjected to close questioning by another member of the group when he described having conducted a Hindu wedding in a private house; scepticism was expressed as to whether social distancing had really been possible in this space but he explained that it was a large house.

Whether all those conducting non-legally binding ceremonies had in fact all been quite as scrupulous as they wished to appear is another question. Sometimes further details emerged that made it clear that there were six people present in addition to the person conducting the wedding. There were also various creative interpretations of how the numbers were counted. Thus one Hindu priest noted that at the Hindu centre where he had conducted his last legal wedding ceremony they had had 15 people upstairs and another 15 downstairs 'because there's two venues, upstairs and downstairs'. In addition, one of our

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<sup>67</sup> Respondents 39, 107, 129, 135, 138, 139, 149, 164, 184, 187, 191, 194, 226, 229, 244, 256, 279, 318, 322, 356, 371, 411, 489, 500, 517, 522, 536, 555, 561, 569, 592, 611, 617, 666, 737, 767, 773, 788, 860, 864, 877, 902, 912, 962, 998, 1000, 1049, 1118, 1175, 1184, 1215, 1245, and 1317.

<sup>68</sup> This was at the suggestion of her mother. Since the ceremony was in August 2020, against a backdrop of changes to the rules on receptions, it was understandable that her mother was concerned about whether they would be able to 'sit down with the guests and eat and celebrate'.

interviews who had given notice and was due to marry in a registered place of worship had instead had a non-legally binding ceremony in another place of worship when the original registered place of worship had indicated that they were worried about being fined if the wedding went ahead.

### *The impact of restrictions on numbers on different types of weddings*

The restrictions on numbers were also identified as having a particularly significant impact on certain types of weddings. B-111, B-112, and K-213 all referred to the large-scale celebrations that would normally accompany weddings within Muslim and Hindu communities.<sup>69</sup> The absence of certain particularly close relatives was also cited as a reason for some couples not going ahead with the religious ceremony: as J-202 noted, he had had a few brides calling him to say that an elderly relative was isolating and that they did not want to go ahead without their blessing 'so I'm not having a Hindu wedding'.

Interviewee 009 had also decided not to go ahead with the Humanist ceremony which had been planned to follow her civil ceremony and Hindu blessing:

then obviously the Humanistic ceremony got cancelled because of No. 1 the COVID and No. 2 the social gatherings associated with that. And No. 3 we were obviously married by that point and we don't really see the need to then go ahead and to do another marriage, just for the sake of showing it to other people. And that was the only reason we were having it, is so other people could partake in our wedding and be among that really.

The restrictions on numbers also had an impact on celebrant-led ceremonies. A number of independent celebrants reported that all or most of the ceremonies that they would have conducted in 2020 had been postponed. This was the case for F-164, F-165, F-166, F-167 and I-194; as the last of these put it, '[m]y business was building quite nicely up until COVID and it's kind of fallen off a cliff'. Interviewee 023, who was an independent celebrant as well as having had a celebrant-led ceremony herself, explained how she had taken steps to support the couples who had booked their ceremonies with her:

I had three weddings already booked. Two of them I wrote to them and said ... put in the contract that if anything got cancelled, that I would take no money from them at all. From the point of view that lots of young people were booking weddings and then they were getting cancelled. And one particular lady had booked with me the week beforehand and I contacted her as soon as I heard it was going into Lockdown again. And so, they've changed their mind about getting married and they're going to do it next year. But when everything is back to normal. Because they were so ... they felt like they were trying to fit ... shoehorn their wedding into a position where nobody would be able to celebrate it. And I think that's wrong. So, I stepped away from it.

Some of the couples who had been planning a celebrant-led ceremony had still gone ahead with their legal wedding. F-167, who had thoughtfully arranged for a gift of biscuits to be sent to each couple on the day that they had been planning to hold their ceremony to let them know that she was thinking of them, commented how one couple had got married on that day without telling her. As she added, 'of course, as the celebrant, I hope that they will carry on and hold that date next year and have their big wedding ceremony then', but she acknowledged that 'we're a little bit nervous about [cancellations] as people move further and further on'.

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<sup>69</sup> It should be noted that such celebrations are primarily cultural rather than religious: Muslim wedding ceremonies can be very simple.

### *The impact of restrictions on numbers on the use of technology*

Where numbers had been limited, technology had enabled additional guests to attend virtually. This was particularly valuable where family were resident overseas and unable to travel on account of quarantine restrictions. G-175, a Humanist celebrant, described conducting 'a very nice hybrid between a face-to-face wedding and a Zoom wedding' for an English groom and American bride, with 20 guests in person and 10 on Zoom. H-183, an independent celebrant, had similarly conducted a ceremony with just two guests, the parents of the groom, present, and the French bride's family watching via Zoom. Interviewee 049, who had originally planned a wedding with over 100 guests, including family members from Italy, had had a ceremony in December 2020 with just 15 persons present; having livestreamed it, she discovered that 'there were more than 600 screens watching it. So, I think a lot more people saw it, because it was livestream, than would have done if it had been in person'.

For interviewee 006, who had chosen to have a religious-only wedding, the restrictions imposed by Covid were not experienced as a problem, partly because of her wish for a small wedding and partly because of the practice within certain Muslim communities of having split-site weddings:

So, we had the mosque ceremony ... obviously, due to COVID, everything had to be a lot smaller but being my second marriage, I wouldn't have wanted a much bigger wedding anyway. I thought it best to have it intimate. The first time I got married I had a very big wedding. So, I was happy to have a small, intimate wedding. Just at the same time, obviously, Corona took place as well. What we did was we had a mosque ceremony where there were 30 men allowed to go to the mosque. Women were also allowed to go to the mosque, but we decided we would let the 30 men go to the mosque as my family is quite big. And what we did at home was the women listened to the ceremony in their own houses over the receiver and following the actual mosque ceremony we just had a lunch and because of my family being how big it is, we decided that it would be better for us to have two lunches at the same time in separate locations and due to my current husband being quite religious, we decided it would be better to have a segregated wedding. So, we did a lunch for 30 men in one location and 30 women in another location.

Even more sophisticated technology was reported by two of the Hindu priests. J-203 reported having a videographer present and how the wedding was streamed 'throughout the world', with around 480 people linked to the streaming, who all came on screen after the wedding was completed 'to wish the bride and groom all the best'. And the arrangements described by J-202 were even more ambitious:

There was Zoom and there were other links which were shared on YouTube live. It was beamed across the world. Hundreds of people joined across the world. Very much virtual. We had a six-camera set-up done. So, nearly every angle possible, needed. Wide angle was covered. People could watch. There was a live switcher switching all the cameras. It was like watching a ESPN sports channel – all the action was covered and the cameras were liveswitched, and the feed was given across.

Another example of an innovative approach reported by one participant was a 'drive-through' ceremony, with 15 guests present but with 'a large screen' so that others could see it from their cars.<sup>70</sup>

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<sup>70</sup> This particular wedding had attracted the notice of the media: 'Drive-in wedding' in Chelmsford bypasses Covid restrictions', 6 October 2020, <https://www.bbc.co.uk/news/uk-england-essex-54435275>.

### *The impact of restrictions on numbers on the validity of the wedding*

For some the possibility of individuals attending virtually was not sufficient. This was a particular issue for Jewish weddings. As L-221, an Orthodox rabbi explained, ‘a quorum of ten adult Jewish males, including the bridegroom and the officiating minister’ was required for the ceremony to take place. An additional hurdle noted by L-225, a Liberal rabbi, was the rule that witnesses should not be related to each other; on occasion she had resorted to suggesting that anyone ‘hanging around outside’ could be brought in to act as a witness.

The reason why the rabbis regarded it as particularly important for weddings to comply with Jewish law was because of the fear that their legal validity – that is, as a matter of civil law, rather than Jewish law – might be called into question if they were not. There are good reasons for this fear. Two leading commentators have stated very clearly that a Jewish wedding has to be conducted in accordance with Jewish usages: as Joseph Jackson put it, ‘[a] Jewish marriage is void unless the Jewish law is complied with.’<sup>71</sup> And in *Goldsmid v Bromer*<sup>72</sup> a marriage was held to be invalid on the basis that the witnesses to it did not fulfil the conditions of Jewish law, with one of them being within the relevant degrees of relationship. While the argument can be made that cases decided before 1836 are no longer relevant, and the only grounds on which a marriage can be declared to be void are those set out in the statute,<sup>73</sup> this has not been tested in court.<sup>74</sup> Moreover, given that the Marriage Act 1949 specifically requires the person tasked with completing the details of the wedding on the schedule once it has taken place<sup>75</sup> to have satisfied themselves that the proceedings ‘were conformable to the usages... of persons professing the Jewish religion’,<sup>76</sup> it is understandable why those involved in conducting weddings wish to ensure that they do so conform.

### *The impact of restrictions on duration and form*

In addition to placing limits on the number who could attend, the government’s guidance also advised that the wedding itself ‘should be concluded in the shortest reasonable time’ and ‘limited as far as reasonably possible to the parts of the marriage or civil partnership that are required in order to be legally binding under the law of England and Wales’.<sup>77</sup>

Of course, exactly what is required in order for a marriage to be legally binding differs between different types of weddings. For Anglican weddings, it is arguably the entirety of one of the authorised forms of service, minus any parts that are specifically designated as optional.<sup>78</sup> 083A and 083B, whose Anglican wedding took place in May 2021, had readings but no hymns during their service. For Jewish and Quaker weddings, it is presumably their own religious ‘usages’.

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<sup>71</sup> J Jackson, *The Formation and Annulment of Marriage* (London: Butterworths, 2nd ed 1969), 201. See also HSQ Henriques, ‘Jewish Marriages and the English Law’ (1908) 20 *The Jewish Quarterly Review* 391 and *Jewish Marriages and the English Law* (Oxford: Hart, 1909).

<sup>72</sup> (1798) 1 Hag Con 324; 161 ER 568.

<sup>73</sup> See Probert, above n 25, ch 6.

<sup>74</sup> The Marriage Act 1949 authorises weddings to be conducted ‘according to the usages of the Jews’ (s 26(1)(d)) but the list of factors that may render a marriage void does not include any mention of how the wedding was conducted. The possibility of it being categorised as a non-qualifying ceremony is likely to arise only if it was neither conducted according to the usages of the Jews nor complied with any of the other requirements of the Act.

<sup>75</sup> The person tasked with this responsibility is the secretary of the synagogue to which one or both of the parties belong: Marriage Act 1949, s 53C(8)(c).

<sup>76</sup> Marriage Act 1949, s 53C(3).

<sup>77</sup> <https://www.gov.uk/government/publications/covid-19-guidance-for-small-marriages-and-civil-partnerships>, issued 29 June 2020.

<sup>78</sup> S Farrimond, ‘Church of England Weddings and Ritual Symbolism’, in J Miles, P Mody, and R Probert (eds) *Marriage Rites and Rights* (Oxford: Hart, 2015).

For a civil wedding, it is just the prescribed words. Interviewee 009, who had got married in a register office in August 2020, reported that it was ‘because it was a wedding during the Lockdown, there were only two options for the vows. It was all very quick 10-minute job’.

As respondent 1048, who was planning to marry on approved premises noted, ‘an emphasis on it being as short a ceremony as possible changes it from being a celebration to a legal process. This is not what is wanted by many couples or by society in general.’

For a wedding in a registered place of worship, it is slightly more complicated. All that is necessary for the wedding to be recognised is the prescribed words. However, the Marriage Act 1949 envisages that the prescribed words will be included within a ceremony of the parties’ choosing,<sup>79</sup> and the advice from the General Register Office has been that a wedding in a registered place of worship cannot consist of just the prescribed words.<sup>80</sup> At the same time, the guidance also advised religious communities that they should ‘adapt traditional religious aspects’ to shorten the ceremony.

Interviewee 049 – who, as noted above, had decided to get married in church and then have a separate religious celebration – had a wedding that consisted of little more than the prescribed words, but this was a matter of preference rather than being dictated by the regulations. She described it as a ‘non-religious ceremony’:

So, we actually wanted to make it just as simple as possible. We found out the minimum legal requirement to be married in terms of the wording. And the lovely lady at the church, who is the approved person, she just basically got us to say those words. So, we didn’t do full vows or anything. We just said the declaratory words that we’re free to marry and then whatever the other one was. Obviously, you know this well, but the words where you commit to each other. And so we didn’t do for better or worse, richer or poorer. We didn’t do any of that. We just said the bare legal minimum. And then she could say, “legally you’re married”. And then the Minister said that too. So, it was a really short service.

The minister who presided at this non-religious ceremony had been very accommodating as he had ‘understood the predicament we were in, that at any time the Government could ban weddings and not reinstate them’. The fact that he had said a few words from the Bible clearly distinguished this wedding from a civil one;<sup>81</sup> indeed, the ceremony described by 049 was not dissimilar from some of the earliest weddings under the 1836 Act in its simplicity and adaptability.<sup>82</sup>

Of course, this pared-down service was chosen because she was planning to have a full religious service at a later date. Where there was just one ceremony combining legal and religious elements, the guidance had more of an impact, especially on Hindu weddings. A number of the Hindu priests noted that the scale of the ceremonies they conducted had been affected. While all lay considerable store by the ceremonies as set out in the wedding scriptures, as K-215 explained, ‘in such circumstances, there are provisions within the Shastras, whereby we can attenuate the ceremony or condense it. We have the salient parts of the ceremony without missing the important parts’. J-203 had accordingly created ‘a smaller template and a smaller wedding ceremony’ to ensure that Hindu ceremonies could continue with fewer guests and less time.

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<sup>79</sup> Marriage Act 1949, s 44(1).

<sup>80</sup> Law Commission, *Getting Married: A Consultation Paper* (CP No 247, 2020), para 2.154.

<sup>81</sup> See Probert, Akhtar and Blake, above n 1, ch 3 on the rules excluding such readings from civil weddings.

<sup>82</sup> See Probert, above n 25, ch 3.



Despite these accommodations, J-203 reported that there had been cases of couples cancelling their Hindu wedding and going ahead with a civil wedding instead. These were couples who wanted to be married in order to start a family and who did not want to wait until they could have a religious wedding. He was nonetheless determined that he would perform *some* religious ceremony for them. As he reported, he had told them that he would return their deposit but would go to their home ‘when the time is better’ and would ‘give a very basic blessing with the one sloka of Ganeshi, one sloka of the Kanyadan, one sloka of the Havan, and the seven vows, and the blessing from the parents’. Holding his mobile phone up to the screen to show the template he had devised for this to the other Hindu priests that comprised this focus group, he entreated them ‘please, please, do not let any couple walk away without carrying out at least the bare minimum of the traditional Hindu wedding vows’.

### **The impact of restrictions on rituals**

The government’s guidance also indicated that a number of specific rituals were to be avoided or limited. These included singing and chanting;<sup>83</sup> washing and ablution rituals; and touching or kissing devotional and other objects that are handled communally. Again, the impact had been different for different religions and beliefs.

For M-231, an authorised person at a Buddhist place of worship, the perception was that the restrictions created an insuperable problem: chanting was a fundamental part of their ceremonies and ‘this chanting out loud is what has prevented us from being able to hold weddings since lockdown’.

Among those who were getting married in a church, the restrictions on singing emerged as a particular issue for 17 survey respondents.<sup>84</sup> One bride and groom who had been planning to marry in a Catholic church explained that they were both part of the choir that had been due to sing at their wedding (respondent 119). And respondent 84, who had been planning to marry in an Anglican ceremony, in a ‘small family-only church service’, commented that:

the no singing/distancing rules has made us feel that holding any gathering would be unsafe (and no fun!) for our guests. You (hopefully) only get married once after all and we want it to be as memorable (for the right reasons) as possible!

Those conducting handfastings had had to be creative about how this was done. G-172, an independent celebrant, explained how the children of the couple had done the handfasting routine ‘which was lovely because it involved them as well’. G-173, a Humanist celebrant, similarly described ‘a modified handfasting’ within the couple’s bubble: ‘they did all the touching and I just pointed from afar and it all worked out’. Where there was no pre-existing bubble, H-185, another independent celebrant, noted that guests had ‘put themselves into a 14-day quarantine before the wedding’ so that they could be involved in the handfasting.

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<sup>83</sup> The guidance noted that if singing or chanting were necessary for a wedding or civil partnership, ‘only one individual should be permitted to sing or chant’.

<sup>84</sup> Respondents 44, 50, 119, 144, 156, 165, 248, 262, 488, 698, 778, 872, 1099, 1192, 1196, 1202, and 1350.



## The legacy of lockdown

Among the survey respondents, a recurring issue was the stress and anxiety that they had experienced. Many respondents noted that these factors had adversely affected their, or their partner's, health. This stress and anxiety resulted from the difficulty of making plans against an uncertain and constantly changing backdrop, especially given the lack of clarity of the laws, rules and guidance governing weddings:

I was working on the front line so not only stressed with working during the pandemic but the constant unknown of whether our wedding was going to happen and then towards The end before we postponed the stress that the government put us through with constant changes with only 24 hours notice (respondent 295).

Emotionally-immensely stressful experience that had cast a dark shadow on the sanctity [o]f marriage and what is a key milestone in peoples lives (respondent 538)

It was a truly awful experience that caused depression and deep sadness to not marry on the original date as planned. Years of saving and planning and so much uncertainty and increased expenditure (respondent 804).

Among the interviewees and focus group participants, the most obvious legacy of lockdown was the delay in couples being able to marry legally and the corresponding increase in religious groups conducting non-legally binding ceremonies. This increase could be observed across a range of religious groups – Christian, Jewish, Muslim, Hindu and Sikh.

For some, the main consequence was a longer gap between the non-legally binding ceremony and the legal wedding than would otherwise have been the case. Four months had elapsed between interviewee 002's *nikah* and her legal wedding; as she noted, 'if the pandemic wasn't happening and we weren't stopped, we would've got registered pretty much straight away'. Interviewee 053, whose *nikah* had taken place in August 2020, was still planning to have a legal wedding, but was putting off making any plans, due to the unpredictability of when weddings might be able to go ahead and the length of the forms that had to be filled in by way of preparation. As she noted, 'I know I don't have to do it any time soon cos I don't have any indication of when the pandemic is going to end.'

The general concerns about non-legally binding ceremonies in Muslim communities<sup>85</sup> are likely to be exacerbated by these findings. Earlier research suggested that couples who do not incorporate planning of the legal wedding into their preparations for their religious ceremony do not prioritise it later on,<sup>86</sup> and the present study provides similar evidence of drift.<sup>87</sup> Addressing this issue will require not only a concerted effort within Muslim communities to encourage those who married during lockdown to marry legally, but also more resources for local authorities to ensure that they are able to offer more statutory ceremonies.

The impact of the restrictions imposed as a result of Covid was not only on those who had been planning to marry in 2020 or 2021 but on those who had had a religious-only ceremony some time before 2020 but had not yet had a legal wedding. Interviewee 019 acknowledged that '[o]bviously life's got in the way a little bit. Obviously with having a child as well. But,

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<sup>85</sup> See further Probert, Akhtar and Blake, above n 1, ch 1.

<sup>86</sup> R Akhtar, 'Unregistered Muslim Marriages: An Emerging Culture of Celebrating Rites and Conceding Rights' in J Miles, P Mody and R Probert (eds) *Marriage Rites and Rights* (Hart Publishing, 2015).

<sup>87</sup> See Probert, Akhtar and Blake, above n 1, ch 1.

yes, at the moment, it's Covid.<sup>88</sup> Interviewee 003, whose *nikah* had taken place in July 2018, was on a waiting list to be married, reporting that he was 'in the process of having the legally binding ceremony but with Covid, it's been heavily restricted'. While both were still planning to marry, the risk is that the longer the delay, the less urgent the legal formalities may seem.

In the longer term, non-legally binding ceremonies may have become normalised to an even greater extent than they were already. As noted above, many religious groups who would not ordinarily conduct non-legally binding ceremonies had made an exception on account of the exceptional circumstances. Among the imams in particular, those who would normally have insisted on the legal wedding taking place first had waived this requirement, those who would normally have conducted the *nikah* in a mosque or other public venue had been willing to go to private homes, and the legitimacy of virtual weddings had been established. It remains to be seen whether this broadening of conditions for conducting religious non-legally binding ceremonies continues post-pandemic.

A second legacy of lockdown may have been in changing what types of religious ceremony take place. Among Hindu priests, the concern was not that couples were not getting legally married, but rather than they were going ahead with a civil wedding without having a Hindu ceremony. The impression that the restrictions imposed by COVID had speeded up a process that was already happening was reinforced by interviewee 043, who commented that while COVID had 'completely ruined the ability to have a Hindu ceremony', even pre-COVID, there was a sense that 'it was easier just to crack on with a civil ceremony. Have a day, be done with it and not deal with all the pomp and circumstance.' And interviewee 066 expressed the hope that Covid would change expectations within the Hindu community as to scale of wedding celebrations:

I really do hope actually, it changes the way people get married. And it's a ridiculous, you know, the funds you're paying on your photographers, your Mandaps... Hopefully Covid just changes the way our community, you know, think about weddings.

There were also couples who had postponed participating in any form of wedding ceremony. The common theme among those commenting on this trend was that the couple had wanted to have their wedding as they had originally envisaged it. One imam, D-139, noted how few weddings there had been in 2020 because 'most people are willing to wait until they can have the wedding they've been dreaming of'. L-221, an Orthodox rabbi, similarly alluded to couples having postponed getting married for a year so that they could have 'the wedding with hundreds of people there, as they originally envisaged'. L-224, the minister of an Evangelical Christian fellowship, noted that one couple had delayed their wedding for almost two years because of the number of guests that they wanted to invite. As he added, 'part of me says... why? That's not the most important part of what that wedding is'. And L-222, an Anglican vicar, knew one couple who were planning to marry in his church but had postponed it for five years. As he added, '[a]nd you think, why were you getting married to start with? If you can put it off for five years'.

Set against this was the hope expressed by some of those involved in conducting weddings that the limitations imposed by COVID-19 might have a positive impact in the longer term, by encouraging couples to think about what was important about getting married. L-222 commented how the weddings he had conducted with just a handful of people had been 'really nice'. As he added:

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<sup>88</sup> A similar point was made by D-139 in explaining the delay in registering the mosque for weddings: '[t]hat was one of the things we wanted to do this year, but obviously, as I said, with Covid, we haven't really...'

And they've been really cheap and there's been no chocolate fountains and rose petals thrown and people turning up in stretch limos and the rest of it. They've just come to church, a family, to receive a blessing on their relationship.

Two of those who had conducted weddings with just 15 people both described the ceremonies as 'very intimate' and either 'poignant' or 'special' (L-221 and H-185). G-178, a Humanist celebrant, had conducted a wedding for a couple who had originally been planning a wedding for 120 people and whose reaction to numbers being restricted to 30 had been one of relief 'because they realised that they had been railroaded into having this massive wedding with all the magazines and the peer pressure from everybody else'. B-112, an imam, similarly commented that 'people are realising that it doesn't have to be so extravagant. It can be still very simple, yet still meaningful.'

These views were shared by a number of interviewees. Interviewee 002A was happy to have had a simple *nikah*, and thought that the pandemic had 'allowed people to conduct marriages in a more *halal* manner'. Interviewee 040 agreed that even though getting married during a pandemic had been stressful, it had also meant that she was relieved from having to conform to other people's expectations and wishes; as she concluded 'I would say small weddings have always been the most blessed and I hope it's the way forward nowadays'.

## Conclusion

The legacy of lockdown is likely to be felt for some time to come. Some of those who had postponed their weddings to 2021 in the hope of being able to have the day of their dreams will undoubtedly have had to postpone again when further restrictions were imposed. Others may have chosen to do so in order to celebrate with their full complement of family and friends. Moreover, it seems unlikely that registration services will have had the capacity to conduct all of the weddings postponed from 2020 as well as all those that would normally have taken place in 2021, raising questions about the need for extra service provision.<sup>89</sup>

There was a strong sense among participants in both studies that the importance of getting married had not been taken into account in drawing up the pandemic guidelines. C-123 asked rhetorically whether weddings were 'considered to be essential', while E-152 noted that the restrictions had 'perhaps ignored how significant marriages were to faith communities' and that an option for a wedding to take place with the minimum number required for it to be legal would have been appreciated. Interviewee 049 similarly commented that the government seemed to have conceptualised weddings as a party and so only relaxed restrictions at the same time as they had relaxed restrictions on social gatherings. Survey respondent 561 put it still more powerfully:

As someone who is a Christian it would be against my beliefs to live with my fiancé before we are married. It was upsetting to see weddings categorised along with nightclubs and seen only as an opportunity to party. For us this is the most significant change in our life and we honour God by marrying. I didn't want to have my ceremony filmed I didn't mind that other people wouldn't have been able to make it, I just wanted to get married.

Our data illustrate the difficulty in making provision for weddings to take place during a pandemic. While some respondents simply wanted to be *married*, others wanted to be able to have a *wedding*, in terms of being able to celebrate with family and friends. Restrictions on the former had potentially greater significance for couples leading to a rise in non-legally binding ceremonies.<sup>90</sup> The mental and emotional toll of lockdown rules on those planning to get married also featured strongly in the data, suggesting that, as a matter of public policy, this issue needs to be given greater priority in any future national emergency of this kind.

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<sup>89</sup> On the inadequacy of provision of statutory ceremonies even before the pandemic, see S Pywell, 'Availability of two-plus-two marriage ceremonies', *Law Society Gazette*, 31 March 2020, <https://www.lawgazette.co.uk/practice-points/availability-of-two-plus-two-marriage-ceremonies/5103708.article>.

<sup>90</sup> For proposals for future contingency provisions to enable couples to get married even if restrictions on travel and gatherings are imposed, see Law Commission, *Getting Married: A Consultation Paper on Weddings Law* (2020) Law Com CP 247, ch 11.