Marriage and Civil Partnership Reform

In considering the proposed reform, Members discussed the potential sanctions/tariffs and enforcement of the minimum age of marriage in a future Bill. Officials indicated that these would be broadly similar to that in GB legislation on Forced Marriage (which deals with min. age of marriage) – the Committee would request confirmation of such sanction and tariffs.

The Committee would also request that Members are fully apprised of progress with the timeframe, parameters and extent of legislation to bring forward reform in this area.

Reply

The Marriage and Civil Partnership (Minimum Age) Act 2022, which increased the minimum age in England and Wales from 16 to 18, amended the relevant law on forced marriage set out in The Anti-Social Behaviour, Crime and Policing Act 2014 to criminalise adults who arrange marriages involving people under the new minimum age of 18. Following this amendment, the adult organisers of underage marriages face the same tariffs as apply generally in cases of forced marriage. These are set out in Section 121 (9) of The Anti-Social Behaviour, Crime and Policing Act 2014.

A person guilty of an offence under this section is liable— (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine or both; (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015 sets out the law on forced marriage in this jurisdiction and includes, at Section 16 (7) the same tariffs as in England and Wales. While the policy on minimum age has yet to be finalised and drafted, it is likely that the tariff for the adult arrangers of marriages involving people under the age of 18 will be similar to that currently in place for forced marriage under the 2015 Act.

We will, naturally, keep the Committee fully informed of developments in this and other aspects of policy on marriage and civil law as our work in this area progresses.