

the Traveller Movement



Minimum Age of Marriage

A fact sheet by The Traveller Movement



This fact sheet explains changes to the law governing the minimum age at which people in England and Wales can marry.

What did the law previously say about the marriage of 16 and 17 year olds?

Until February 2023, a person aged 16 or 17 years could marry in England and Wales providing they had parental permission. Different rules applied in Northern Ireland and Scotland, with Scotland infamously offering marriages to couples who lacked parental consent and were unable to marry in England, making famous the village of Gretna Green, the first village located across the Scottish side of the border between Scotland and England.

What does the new law mean for people planning to get married?

The Marriage and Civil Partnership (Minimum Age) Act 2022 came in to force in February 2023. The law only applies to England and Wales; it does not apply in Scotland and Northern Ireland.

The Act raises the minimum age of marriage and civil partnership to 18 years in England and Wales. The main purpose of this new law is to bring an end to provisions allowing for 16 and 17 year olds to marry or enter a civil partnership with parental or judicial consent.

Although this law only applies to two of the four nations of the UK, it means that any marriage which takes place in the UK or overseas involving under 18 year olds where one of the parties ordinarily lives in England and Wales, will not be legally recognised in England and Wales. Such marriages will be void.

As a result, marriages officiated in Scotland and Northern Ireland cannot bypass the new legislation for people who ordinarily live in England and Wales.

This does not affect the validity of any marriages or civil partnerships entered into before the Act came into force.

Why has the law changed?

Concerns about 16 and 17 year olds being forced or coerced into marriage has been a significant topic of discussion in recent years. It is a criminal offence to force someone into a marriage in the UK or to take him or her overseas for this purpose. "Force" can include emotional pressure, physical force or the threat of it, and financial pressure.

What happens if you or your spouse married under the age of 18?

Providing you and your spouse married or entered into a civil partnership before 27th February 2023, your marriage or civil partnership is legal and will be recognised under the authority of previously existing laws. There is no need to be concerned about the legitimacy of your marriage on the basis of your age or your spouse's age at the time of marriage or civil partnership.

It is important to remember that, just because the law has changed, it doesn't mean that any person previously married at 16 or 17, or who married a person who was 16 or 17, has done anything wrong. Traveller Movement does not anticipate discrimination arising on this point; however, mistreatment or unfair practices in relation to previously permitted marriage and civil partnership ages would be questionable under the law.

Criminal responsibility for people taking part in the marriage of a person under the age of 18

The Act goes further than just banning 16 and 17 year olds marrying or entering a civil partnership in England and Wales. The new law makes it a criminal offence to marry a person who is under the age of 18, or to take part in the facilitation, coercion or forcing of a person under the age of 18 into entering a marriage. To be clear, an offence will still be committed even if the person under the age of 18 expresses his or her consent and their parent gives their permission.

What about marriages that take place outside of the UK?

The law applies to anyone who usually resides in England and Wales, regardless of where the marriage or civil partnership takes place. Whilst it may be possible for a 16 or 17 year-old who usually resides in England and Wales to marry in a country outside the UK where it may be legal and recognised in that specific country, the marriage or civil partnership will not be recognised in England and Wales and anyone who takes part or facilitates that marriage, including the spouse, will have committed an offence under the Marriage and Civil Partnership (Minimum Age) Act 2022.