

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of legislation</b>	The Registration Services (Fees, etc.) (Scotland) Amendment Regulations 2022 (“the Regulations”)
<b>Non-ministerial office holder</b>	Registrar General for Scotland
<b>Directorate: Division: Team</b>	National Records of Scotland (NRS) Family Law Policy Unit, Justice Directorate, Scottish Government
<b>Is this new policy or revision to an existing policy?</b>	Revision of an existing policy

### Screening

#### *Policy Aim*

The Regulations will amend the Registration Services (Fees, etc.) (Scotland) Regulations 2006 to increase the fees payable for submission of a marriage notice and submission of a notice of a proposed civil partnership from £30 to £45 per party to the intended marriage or civil partnership.

The Scottish Government’s existing policy as set out in guidance in the Scottish Public Finance Manual is that charges for public services should generally allow for full cost recovery.<sup>1</sup>

#### *Who will it affect?*

The proposed change would affect couples who intend to marry or register a civil partnership. They would have to pay increased fees to submit their marriage notice or notice of proposed civil partnership. A couple intending to marry or register a civil partnership must each submit a marriage notice or a notice of a proposed civil partnership together with other documentation and the fee to the appropriate local authority.<sup>2</sup>

All paperwork at the start of the marriage or civil partnership process and at the end of the process (even for a religious or belief marriage or civil partnership) is dealt with by local authority registrars.

Local authorities should benefit from the proposed change as it will increase the fee income from these services to better cover the costs attributable to the processing of these notices and all other paperwork associated with marriage

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<sup>1</sup> For previous Scottish Statutory Instruments made by the Registrar General which has fixed registration services fees, this approach has meant that the aim is for each of the registration services fees set to recover the true cost of the statutory service to which they relate.

<sup>2</sup> This is the local authority where the marriage ceremony or civil partnership registration will take place.

and civil partnership, including religious and belief marriages and civil partnerships.

### **What might prevent the desired outcomes being achieved?**

No factors that might prevent the desired outcomes being achieved have been identified. The number of marriages has been steadily reducing over time: in 1961 there were 40,562 marriages, in 1981 there were 36,237, in 2001 there were 29,621 and in 2019 there were 26,007.<sup>3</sup> While a continued drop in the number of marriages will affect the level of income which would derive from the proposed increase in the notice fees, the intention is for the fees to reflect, as far as possible, the cost of processing the notices and other paperwork associated with each marriage and civil partnership.

### **Stage 1: Framing**

#### ***Results of framing exercise***

Men and women of marriageable age have a right to marry under Article 12 of the European Convention on Human Rights.<sup>4</sup>

The proposal may affect people with a lower income. A separate Fairer Scotland Duty Assessment is being undertaken.<sup>5</sup>

People with certain protected characteristics may be more likely to have a lower income than others who do not share those characteristics.

There is some limited information about the average costs of a wedding but the data may not be representative. The average cost of a wedding in the UK, including the costs of any honeymoon, was reported in 2020 to be £20,731.<sup>6</sup> The same report indicated the average cost represented 25% or more of household income of the survey respondents.

The number of marriages has been steadily reducing over time: in 1961 there were 40,562 marriages, in 1981 there were 36,237, in 2001 there were 29,621 and in 2019 there were 26,007. There is further information in the Registrar General for Scotland's Annual Review of Demographic Trends in 2019.<sup>7</sup> This appears to reflect a wider international trend: the United Nations has reported that the number of people who have never married is increasing in some countries.<sup>8</sup> It does not appear to be related to the existence of the marriage

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<sup>3</sup> [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](#), Table 7.06.

<sup>4</sup> [European Convention on Human Rights \(coe.int\)](#) (link to pdf)

<sup>5</sup> [Fairer Scotland Duty: guidance for public bodies - gov.scot \(www.gov.scot\)](#)

<sup>6</sup> The 2020 UK Wedding Report by Bridebook, based on a survey of around 3000 couples based in the UK who married in 2018 and 2019:

<sup>7</sup> [RGAR 19: Marriages and Civil Partnerships \(nrscotland.gov.uk\)](#)

<sup>8</sup> United Nations Population Facts World Marriage Patterns December 2011: pdf [PopFacts\\_2011-1.pdf \(un.org\)](#). There is further information on international trends in relation to marriage and divorce in 2020 at: [Marriages and Divorces - Our World in Data](#).

notice fee or notice of proposed civil partnership fee which was last changed in April 2010.

Overall what evidence there is tends to suggest that the proposed increase in these fees is not likely to act as a barrier to people with any particular protected characteristic accessing their right to marry.

### ***Level of EQIA required***

The evidence captured in the next section entitled '**Data and evidence gathering, involvement and consultation**' has primarily been drawn, where this is possible from statistics about marriage and civil partnership published by National Records of Scotland, the Scottish Government's Report "Poverty and Income Inequality: 2017-2020" and the Analysis of the Equality Results from the 2011 Census.

**Stage 2: Data and evidence gathering, involvement and consultation**

Characteristic <sup>9</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	<p>The minimum age of marriage and civil partnership in Scotland is 16.</p> <p>The evidence is that the average age at first marriage has increased over time and in 2020 was 34.9 for males and 33.3 for females.</p> <p>There is evidence that in the last 15 years, the youngest adults (16-24 year olds) have been consistently more likely to be in relative poverty compared to older adults. In 2017-20, 28% of adults in Scotland aged 16-24 were in relative poverty after housing costs (140,000 adults each year), compared to 15% of adults aged 65 and older (150,000 adults). Relative poverty after housing costs in 2017-2020 were lowest for married couples.</p>	<p>The Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004</p> <p>National Records of Scotland: <a href="#">Vital Events Reference Table 2020: Report (nrscotland.gov.uk)</a> at page 8</p> <p><a href="#">Poverty and Income Inequality in Scotland 2017-20 (data.gov.scot)</a></p>	

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<sup>9</sup> Marriage and civil partnership are not considered here as the Scottish Government does not require assessment against this protected characteristic unless the policy relates to work.

Characteristic <sup>9</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>DISABILITY</b>	<p>In 2011, one in five people (20 per cent) reported that they were limited either 'a little' or 'a lot' by a long-term health problem or disability.</p> <p>Non-disabled people were more likely to be single (39%) than those who were limited either a little or a lot.</p> <p>Poverty rates remain higher for households in which somebody is disabled compared to those where no-one is disabled.</p>	<p><a href="#">Analysis of Equality Results from the 2011 Census: Part 1</a></p> <p><a href="#">Analysis of Equality Results from the 2011 Census</a> (<a href="http://webarchive.org.uk">webarchive.org.uk</a>)</p> <p><a href="#">Poverty and Income Inequality in Scotland 2017-20</a> (<a href="http://data.gov.scot">data.gov.scot</a>)</p>	<p>We have not identified evidence about how many disabled people marry or enter a civil partnership in Scotland each year.</p>
<b>SEX</b>	<p>NRS publish information on the numbers of men and women who marry or enter a civil partnership each year.</p>	<p><a href="#">List of Data Tables   National Records of Scotland</a> (<a href="http://nrs.scotland.gov.uk">nrs.scotland.gov.uk</a>) Table 7.01b</p>	
<b>PREGNANCY AND MATERNITY</b>	<p>We have not identified evidence about the numbers of women in Scotland who marry or enter a civil partnership who are pregnant or are already mothers. This data is not collected by NRS.</p>		<p>Although there is no information available on this category, all those who intend to marry or enter a civil partnership in Scotland would be affected by the proposal.</p>

Characteristic <sup>9</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>GENDER REASSIGNMENT</b>	We have not identified evidence about people who marry or enter a civil partnership and who are transgender or non-binary, or who have obtained gender recognition under the Gender Recognition Act 2004.		Although there is no information available on this category, all those who intend to marry or enter a civil partnership in Scotland would be affected by the proposal.
<b>SEXUAL ORIENTATION</b>	<p>NRS publish information on the numbers of same sex marriages and civil partnerships.</p> <p>Around 1 in every 30 marriages is of a same sex couple. For 2021, there are statistics for both same sex and mixed sex civil partnerships covering the first three quarters of the year.</p>	<p><a href="#">List of Data Tables   National Records of Scotland</a>  <a href="https://nrs.scot.nhs.uk/nrs/scotland/population/2020">nrs.scotland.gov.uk</a>  <a href="#">Scotland's Population 2020</a> (nrs.scotland.gov.uk)            Table 7.02</p> <p><a href="#">Births, Deaths and Other Vital Events - Quarterly Figures   National Records of Scotland</a>  <a href="https://nrs.scot.nhs.uk/nrs/scotland/population/2020">nrs.scotland.gov.uk</a></p>	
<b>RACE</b>	<p>Information on the race or ethnicity of those who marry or enter a civil partnership in Scotland is not collected. There is published information about the countries of birth and residence of those who marry.</p> <p>In 2015-20, people from non-white minority ethnic groups were more likely to be in relative poverty after housing costs compared to those from 'White - British' and 'White - Other' groups.</p>	<p><a href="#">List of Data Tables   National Records of Scotland</a>  <a href="https://nrs.scot.nhs.uk/nrs/scotland/population/2020">nrs.scotland.gov.uk</a>,            Tables 7.08 and 7.09</p> <p><a href="#">Poverty and Income Inequality in Scotland 2017-20</a> (<a href="https://data.gov.scot">data.gov.scot</a>)</p>	Although there is no information on the race or ethnicity of those who marry or enter a civil partnership in Scotland, all those who intend to marry or enter a civil partnership in Scotland would be affected by the proposal.

Characteristic <sup>9</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>RELIGION OR BELIEF</b>	<p>NRS publish information on the numbers of religious and belief marriages and civil partnerships. In 2020, around 52% of marriages were solemnised by a religious or belief celebrant.</p> <p>There is some evidence on relative poverty rates after housing costs for those of different faiths: in 2015-2020 these rates were higher for Muslims (52% or 30,000 each year compared to 18% for adults overall, between 15% and 19% for Christian denominations, and 21% for people of other religions ).</p> <p>Information published by NRS on the numbers of religious forms of marriages since 2010, by selected denomination, indicates that in 2010, there were 153 marriages solemnised by celebrants from Muslim religious organisations or groups listed. In 2019 171 were solemnised by celebrants from Muslim religious organisations or groups listed. This reduced slightly to 133 in 2020 when marriages were impacted by the pandemic: more generally the number of marriages reduced by over 50% (26,007 in 2019 to 11,986 in 2020).</p>	<p><a href="#">List of Data Tables   National Records of Scotland</a>  <a href="https://nrs.scotland.gov.uk">nrs.scotland.gov.uk</a> Tables 7.05 to 7.07</p> <p><a href="#">Poverty and Income Inequality in Scotland 2017-20 (data.gov.scot)</a></p> <p><a href="#">List of Data Tables   National Records of Scotland</a>  <a href="https://nrs.scotland.gov.uk">nrs.scotland.gov.uk</a> Table 7.05</p>	

**Stage 3: Assessing the impacts and identifying opportunities to promote equality**

**Do you think that the policy impacts on people because of their age?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We identified that affordability might potentially be an issue for some people. The evidence suggests that younger people may be impacted to a greater extent because they are more likely to experience poverty. The statistics show that fewer people are marrying in their teens or twenties. Other evidence about the average costs of a wedding also suggests that the notice fees form only a small proportion of the costs of a wedding or civil partnership.
Advancing equality of opportunity			X	
Promoting good relations among and between different age groups			X	

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	We identified that affordability might potentially be an issue for some people. Poverty rates are higher for households in which somebody is disabled. However, other evidence indicates that disabled people are not less likely



<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
				to be married or in a civil partnership. Other evidence about the average costs of a wedding also suggests that these fees form only a small proportion of the cost of a wedding or civil partnership.
Advancing equality of opportunity			X	
Promoting good relations among and between disabled and non-disabled people			X	

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	We identified that affordability might potentially be an issue for some people. Similar numbers of men and women marry. We have not identified evidence to suggest that the proposed increase impacts differently because of sex.
Advancing equality of opportunity			X	
Promoting good relations between men and women			X	

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	We identified that affordability might potentially be an issue for some people. We have no evidence to suggest that the proposed increase in the fees would impact differently for some women because of pregnancy or maternity.
Advancing equality of opportunity			X	
Promoting good relations			X	

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	We identified that affordability might potentially be an issue for some people. We have no evidence to suggest that the proposed increase in the fees would impact differently for people with the protected characteristic of gender reassignment.
Advancing equality of opportunity			X	
Promoting good relations			X	

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	We identified that affordability might potentially be an issue for some people. Around 1 in every 30 couples marrying is of the same sex. We have no evidence that the proposed increase in the fee would impact differently for people because of their sexual orientation.
Advancing equality of opportunity			X	
Promoting good relations			X	

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	We identified that affordability might potentially be an issue for some people. There is evidence that those from non-white minority ethnic communities are more likely to experience poverty. Other evidence suggests that the fees form only a small proportion of the average cost of a wedding or civil partnership.
Advancing equality of opportunity			X	
Promoting good race relations			X	

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	We identified that affordability might potentially be an issue for some people. Muslims are more likely to be in relative poverty after housing costs than those of other religions or beliefs. Other evidence we have suggests that the fees form only a small proportion of the average cost of a wedding or civil partnership.
Advancing equality of opportunity			X	
Promoting good relations			X	

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

Have positive or negative impacts been identified for any of the equality groups?	No.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>10</sup> ?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	Not applicable
If not justified, what mitigating action will be undertaken?	Not applicable

### *Describing how Equality Impact analysis has shaped the policy making process*

Consideration has been given to the potential impact of this revised policy in respect of different equality groups. However, in light of our consideration of the available evidence set out in this EQIA record, and other impact assessments carried out, we decided not to alter the proposal which aligns with the general approach to the setting of fees for public services set out in the Scottish Public Finance Manual.

### *Monitoring and Review*

National Records of Scotland will monitor cost recovery of registration services with support from local authorities, ARoS and CoSLA. It is the intention of NRS to conduct a review of the fees applicable to other services starting later this year.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

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<sup>10</sup> See EQIA – Setting the Scene for further information on the legislation.

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

### **Declaration**

I am satisfied with the equality impact assessment that has been undertaken for The Registration Services (Fees, etc.) (Scotland) Amendment Regulations 2022 and give my authorisation for the results of this assessment to be published.

**Rod Burns**

Deputy Registrar General for Scotland  
23 February 2022