PRE-PUBLICATION VERSION OF ARTICLE ON MACPMAA

On 28th April 2022, the Marriage and Civil Partnership (Minimum Age) Bill (MACPMAB), a Private Member’s Bill, with Government and cross-party support, received Royal Assent. When it comes into force (expected to be 27 February 2023), the minimum age for marriage and civil partnerships in England and Wales will rise from 16 to 18. The average age at first marriage has been steadily increasing since the 1970s: it is now 31.5 for women and 33.4 for men forming an opposite-sex marriage and even higher for same-sex marriages (ONS, 2016). In 2018, only 147 opposite-sex marriages involved 16- or 17-year-old children i.e. 0.06% of all marriages that took place in England and Wales (Fairbairn et al, 2022, Commons Library Analysis of the MACPMAB p.7). The number of child marriages is therefore very small, so why was it considered necessary to change the law ? This article examines the law prior to the Marriage and Civil Partnership (Minimum Age) Act 2022 (MACPMAA), the reasons for raising the minimum age for marriage and civil partnerships, including a discussion of the UK’s responsibilities under international treaties, and the impact that the legislation will have.

History

Before the Age of Marriage Act 1929, the common law and canon law allowed children to marry at the legal age of puberty, which was twelve for a girl and fourteen for a boy (See S. Cretney, Family Law in the Twentieth Century, 2004, p57-65). The 1929 Act increased the minimum age for marriage to 16 for all persons. This was incorporated into s.2 of the Marriage Act 1949 (MA) which provides that ‘a marriage solemnized between persons either of whom is under the age of sixteen shall be void’, and is reinforced by s.11(a)(ii) of the Matrimonial Causes Act 1973 (MCA), which states that a marriage is void on the ground that ‘either party is under the age of sixteen.’ As Lord Greene MR explained in *De Reneville v De Reneville* ‘a void marriage is one that will be regarded as never having taken place and can be so treated by the parties to it without the necessity of any decree annulling it’ ([1948] 1 ALL ER 56 at 100). However, it is advantageous to obtain a nullity of marriage order, first, to formally confirm the parties’ status and second, to enable, an application for ancillary financial provision orders under the MCA.

Parental consent has been required for a minor to marry since Lord Hardwicke’s Act 1753. Until the Family Law Reform Act 1969 (FLRA) reduced the age of majority to 18, parental consent was necessary for those under 21. Following the FLRA, parental consent has been required for 16 and 17-year-olds wishing to marry. S.3(1) of the MA (as amended), now states that ‘where the marriage of a child, not being a widower or widow or a surviving civil partner, is intended to be solemnised on the authority of a marriage schedule’ (i.e. most marriages), ‘the consent of appropriate persons shall be required’. As Lowe et al explain, the purpose of this requirement is to prevent children from ‘contracting unwise marriages’ (Bromley’s Family Law, 2021, p.47). Although consent is ‘required’ under s.3(1), a marriage contracted without it, is valid and as a result, many have questioned the utility of the parental consent condition (See Law Commission, Review of Child Law: Guardianship and Custody, Law Com No 172 (1988)).

Usually, the child’s parents who have parental responsibility under the Children Act 1989 (CA), are obliged to consent, but in some cases, it could be a guardian, special guardian, the local authority (if the child is subject to a care order) or the person the child lives with under a child arrangements order (s.3(1A) MA). The Registrar General can dispense with consent if the relevant person cannot be found or lacks capacity (s.3(1)(a) MA) and the court can authorise a marriage if the appropriate consent is withheld (s.3(1)(b) MA). The position is slightly different if the marriage is to be solemnised following the publication of the banns of matrimony for Church of England marriages: a clergyman can proceed with the marriage providing there is no dissent (s.3(3)-(4) MA).

The Civil Partnership Act 2004 (CPA) replicated the rules relating to marriage. S.3(1) therefore states that ‘two people are not eligible to register as civil partners of each other if – either of them is under 16’ and a civil partnership formed by persons who are ‘not eligible to register’ is void under s.49(a). S.4(1) of the CPA mirrors s.3(1) of the MA, by providing that ‘the consent of an appropriate person is required before a child and another person may register as civil partners of each other’. Those who are required to provide consent and the rules relating to the dispensation of it, are, as described above, in relation to marriage. The average age of those forming a civil partnership is much higher than the average age at first marriage: in 2020 it was 49.8 for men and 50.1 for women forming same-sex civil partnerships and 58.9 for men and 56.3 for women forming opposite-sex civil partnerships (ONS, 2020). However, there is no explicit data on child civil partnerships (nor same-sex marriages involving children), which suggests that they are extremely rare.

Tackling child marriage

The purpose of the MACPMAA 2022 is ‘to address the practice of child marriage’ (Explanatory Notes, Para 1), which has a ‘devasting impact…on vulnerable children’ Pauline Latham, sponsor, Hansard Vol.703, 19th November 2021, Col. 805). The Explanatory Notes to the Act cite research which links child marriage with leaving education early, limited career opportunities, physical and mental health problems, an increased risk of domestic abuse and problems associated with young motherhood (World Bank Document, Economic impacts of child marriage, 2017. Explanatory Notes, Para 6). Unicef considers child marriage to be a violation of human rights, regardless of gender (Fairbairn, p.9): this is not disputed, but some of the problems associated with the practice are only experienced by child brides e.g. those connected to early pregnancy. Most child marriages involve females ([www.unicef.org](http://www.unicef.org), 2021) and this is the case globally and locally. In 2018, 119 of the 16- and 17-year-olds who married in England and Wales, were girls i.e. 81%. Over the last five years, an average of 79% of children marrying in England and Wales were female (Fairbairn, p.8). The Parliamentary debates on the MACPMAB provide several examples of girls who were married under the age of 18: one was raped by her husband (Hansard, Col.810) and another murdered by members of her family when she left the marriage (Hansard, Col.806), which illustrates the gravity of this matter.

The international context

The Explanatory Notes to the MACPMAA (Para 7), the debates in Parliament (Hansard, Col.811) and the House of Commons Briefing Paper (Fairbairn, p.5) each refer to the UK’s international responsibilities, for example, its commitment to the UN Sustainable Development Goals 2015, Target 5.3 of which is to eliminate harmful traditional practices such as child, early and forced marriage by 2030. But is the elimination of child marriage a binding obligation under international treaties ? The Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW) is the only international instrument ratified by the UK (in 1986) which expressly prohibits child marriage. Art.6(2) declares that ‘the betrothal and the marriage of a child shall have no legal effect’ but does not define a child. The UN has since adopted the Convention on the Rights of the Child (CRC, 1989, ratified by the UK in 1991), which defines a child as ‘a person below the age of 18 unless… majority is attained earlier’ (art.1). The CRC does not explicitly prohibit child marriage, but the practice violates many of its provisions e.g. the right to remain with parents (art.9), the right to health (art.24) and education (art.28) and protection from sexual exploitation (art.34). General Comment No.4 of the Committee on the Rights of the Child, which monitors the Convention, strongly recommended state parties to ‘reform their legislation and practice to increase the minimum age for marriage with and without parental consent to eighteen years for both boys and girls’ (Adolescent Health and Development CRC/GC/2004/4 Para 16). But 10 years later, a Joint Recommendation from the CEDAW Committee and the Committee on the Rights of the Child indicated that the minimum age for marriage without parental consent should be 18 and that the absolute minimum age for marriage should not be lower than 16 (CEDAW/C/GC/31, CRC/C/GC/18, p.7). The Joint Recommendation suggested that the marriage of 16- and 17-year-olds should be allowed in exceptional cases, strictly defined by law, the child must provide free and full consent and the marriage should be approved by a court with the parties appearing in person (p.7 and14). In summary, the international position on child marriage was not clear: CEDAW, which explicitly bans the marriage of a child, does not set a minimum age; the Convention on the Rights of the Child does not expressly prohibit child marriage and the recommendations made by the two enforcement committees were inconsistent. The latter was rectified by a Revised Joint Recommendation in 2019, which declares that ‘a minimum legal age of marriage for girls and boys, with or without parental consent is established at 18 years’ and reference to the marriage of children in exceptional circumstances has been removed (CEDAW/C/GC/31 Rev.1, CRC/C/GC/18 Rev.1, 2019). It is important to note that the law in England and Wales did not even comply with the more lenient recommendation from 2014, as it was possible for a child to marry without judicial approval and, other than requiring parental consent, the law did not prescribe exceptional circumstances.

The most recent Concluding Observations of the Committee on the Rights of the Child recommended that the UK ‘raise the minimum age of marriage to 18 years across all devolved administrations, Overseas Territories and Crown Dependencies’ (CRC/C/GBR/CO/5 3 June 2016, para 19). The Explanatory Notes to the MACPMAA cite this requirement as part of the policy background to the Act (para 7). Members of Parliament also referred to the recommendation contained in the Concluding Observations as a reason to support the Bill (Hansard, Col.819). As Pauline Latham explained, the legislation ‘will help the UK to live up to its international obligations by banning child marriage in all its forms’ and ‘allow us to take that message to the rest of the world’ (Hansard, Col.814).

Forced marriage

Based, on art.16 of the Universal Declaration of Human Rights, several UN instruments make it clear that marriage shall only be entered into with the free and full consent of the intending parties i.e. art.1(2) of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962, art.23(3) of the International Covenant on Civil and Political Rights 1966, art.10(1) of the International Covenant on Social, Economic and Cultural Rights 1966 and art.16(1)(b) of CEDAW, all of which the UK has ratified. The international community has long recognised the link between forced and child marriage. For example, the Special Rapporteur on Contemporary Forms of Slavery has declared that ‘a child cannot provide informed consent to marriage. The marriage is therefore considered forced’ (Shahinian, G. 2012, A/HRC/21/41, 5). The UN Office of the High Commissioner for Human Rights concurs that ‘a child marriage is considered to be a form of forced marriage, given that one or both parties have not expressed full, free and informed consent’ (2022, [www.ohchr.org](http://www.ohchr.org)). Not everyone agrees that child marriage is always a forced marriage, but Members of Parliament debating the MACPMAB recognise that they are inextricably linked. For example, Andy Slaughter cited the OHCHR perspective on child/forced marriage (Hansard, Col.819), whilst Robert Buckland stated that the parental consent requirement ‘which we all thought was a good safeguard, has sadly become a vehicle for abuse’ (Hansard, Col.805). As Gagan Mohindra pointed out, current marriage laws, which ‘enable 16 and 17 year-olds to marry, with permission from their parent’…..’can lead to children being coerced into marriage’ (Hansard, Col.805). Data from the Forced Marriage Unit and the Family Courts confirms that children have been or are at risk of being forced to marry. In 2020, the Forced Marriage Unit provided advise and support in 759 cases, 26% of which concerned persons under the age of 18 (FMU, 2021). In 2021, 203 applications were made for forced marriage protection orders under Part 4A of the Family Law Act 1996 (FLA) and 69% of them related to children (Family Court Statistics, 2021).

One of the problems identified in Parliament is that evidence of coercion or duress is often lacking when a child marries (Pauline Latham, Hansard, Col.807). Karma Nirvana has supported children who ‘do not recognise their child marriage as a forced marriage’ (Hansard, Col.807), whilst research conducted by Gangoli et al demonstrates that some children married under the age of 16 do not conceptualise their relationship as a ‘child marriage’ or ‘forced marriage’ (Child marriage or forced marriage? South Asian Communities in North East England, 2009, Children & Society Vol.23). They explain that ‘norms of izzat (honour) and sharam (shame) play an important role in persuading young women that they should marry according to their parents’ wishes’ (p424). Children cannot act independently’ at the age of 16 or 17 (Hansard, Col.807): the consent given to marriage is not truly ‘free’, but a prosecution for forced marriage under s.121(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (ASBCAPA) would be difficult as it requires ‘violence, threats or any form of coercion for the purpose of causing another person to enter a marriage’, unless the victim lacks mental capacity (121(2)). One of the purposes of the MACPMAA is, therefore, to strengthen the law on forced marriage. An additional issue raised by Members of Parliament is the difficulty enforcing existing laws in relation to informal/non-binding/religious only marriages, which will be discussed later in the paper (Hansard, Col.807). The new legislation will apply, regardless of the nature and status of the marriage ceremony, which will reinforce the prohibition on child *and* forced marriage.

The content and impact of the legislation

S.1(2) of the MACPMAA 2022 will amend s.2 of the MA 1949, so that ‘a marriage solemnised between persons either of whom is under the age of eighteen shall be void.’ S.11 of the MCA will be amended accordingly (by s.3 of the Schedule to the Act) and the provisions of the MA which set out the consent requirements for 16- and 17-year-olds will be deleted (by s.1(3)). As a result of these changes, the age at which a person can consent to sexual activity under the Sexual Offences Act 2003 (SOA) and the age at which a person can marry will be different, as the former will continue to be 16. This was considered by Members of Parliament debating the Bill. Sarah Champion argued that ‘at the age of 16 someone is aware of their body and should have some control over it. It is their right to be able to give consent’ (Hansard. Col.815). It is not therefore suggested that the age of consent should also be raised to 18. Marriage, on the other hand, was described by Dr Ben Spencer as ‘a serious contract with incredible long-term consequences involving finances, rules relating to next of kin and parental responsibility’ (Hansard, Col.817). It is a relationship that should be restricted to adults. As Cherilyn Mackrory declared, ‘marriage is not something children should be doing at all’ (Hansard, Col.818).

The Explanatory Notes to the MACPMAA 2022 indicate that ‘the anticipated effect on the common law of the change to the minimum age of marriage means that marriages of under 18s, which take place abroad, will not be legally recognised in England and Wales if either party is domiciled in England and Wales’ (Para 8). This is because capacity to marry is determined by the private international law principle of *lex loci domicilii* i.e. the law of the jurisdiction in which the parties are domiciled. It is unfortunate that the legislation does not contain an express declaration that overseas marriages involving persons domiciled in England and Wales who are under the age of 18 will not be recognised in this jurisdiction. Such a statement *has* been made in relation to civil partnerships registered abroad, which will be discussed later in the paper (s.4). Marriages involving 16- and 17-year-olds that took place overseas, before the legislation comes into force will continue to be recognised (s.8). This implies that marriages formed *after* will not be recognised, but an explicit statement to this effect would have strengthened the message.

The Act does not increase the minimum age for marriage in Scotland or Northern Ireland, where it remains 16. Unless these jurisdictions follow the example set in England and Wales, the UK will not have fully implemented the most recent Concluding Observations of the Committee on the Rights of the Child, which recommended raising ‘the minimum age of marriage to 18 years *across all devolved administrations….’* (emphasis added). Furthermore, a consistent approach across the UK will avoid complicated litigation regarding the validity/recognition of marriages, which will rest on where the parties were domiciled at the time of the ceremony.

At present, the marriage of a 16- or 17-year-old is valid provided that the parties are not closely related, not already married or in a civil partnership and the required formalities were complied with (or not knowingly and wilfully disregarded). If the marriage is forced it is voidable under s.12(1)© of the MCA on the ground that either party ‘did not validly consent to it' …’in consequence of duress.’ But there are several problems with this. First, duress requires threats or pressure exerted on the petitioner that overbears their will and destroys the reality of consent, as demonstrated in *Hirani v Hirani* [1983] 4 FLR 232 where the parents of a young girl threatened to ostracise her if she did not go through with the marriage that they had arranged for her. As explained earlier, 16- and 17-year-old children are not independent of their parents: the latter may be able to bring about a marriage without threatening or pressurising their child. This makes it difficult to obtain an annulment in cases involving 16- and 17-year-olds. Even if the victim’s parents (or other family members) *do* exert pressure or threats, the victim is required to declare this in court, which may deter applications for nullity. This leads to the second problem with the law: a voidable marriage is valid unless and until it is annulled by a court order (s.16(1) MCA). Even if young persons forced into marriage are aware of their right to apply for a nullity of marriage order, they may not have the confidence to do so, or may be unwilling to, for fear of reprisals (See Gaffney-Rhys, The Legal Status of Forced Marriages: Void, Voidable or Non-existent? IFL, November 2010). Further problems are caused by s.13(2)(a) MCA which requires proceedings to be instituted within 3 years of the date of the marriage (unless leave is granted to apply after 3 years have expired, but this is only possible if the petitioner suffered from a mental disorder during this period). A 16- or 17-year-old forced to marry must apply for an annulment by the age of 19 or 20 respectively, when they may still be vulnerable. The response of the English courts has been to declare such marriages to be non-existent. For example, in *B v I (Forced Marriage)* [2010] 1 FLR 1721 a 16-year-old girl participated in a ceremony, conducted in Bengali, that she believed to be a betrothal but was, in fact, a marriage ceremony. She could not be granted an annulment because 3 years had passed since the marriage, but the court declared that “there never was a marriage… which is capable of recognition’ in this jurisdiction i.e. it was a non-marriage (Para 18). The disadvantage of this, is that the victim cannot apply for ancillary financial provision orders under the MCA, but the benefit is, that the victim does not need to petition for divorce, which may be detrimental (See *P v R (Forced Marriage: Annulment: Procedure)* [2003] 1 FLR 661). The fact that the marriage of a 16- or 17-year-old will be void, rather than merely voidable, is a significant improvement in the law. As the marriage never existed in the eyes of the law, it will not be necessary to apply to the court for a nullity of marriage order. But if the victim wishes to do so (e.g. in order to apply for financial provision), they will not have to prove duress and will not be time restricted.

S.2 of the MACPMAA will amend s.121 of the ASBCAPA 2014, which, as explained above contains the offence of forcing a person into marriage. The new s.121(3A) will state that ‘a person commits an offence under the law in England and Wales if he or she carries out any conduct for the purpose of causing a child to enter into a marriage before the child’s eighteenth birthday (whether or not the conduct amounts to violence, threats, any form of coercion or deception and whether or not it is carried out in England and Wales).’ This is modelled on the existing s.121(2) which relates to victims who lack capacity to consent to marriage. It will no longer be necessary to prove violence, threats or coercion, which as discussed earlier, can be problematic in a child marriage context. The marriage of a child will automatically be classed as a forced marriage and punishable by up to 7 years in prison (s.121(9)). Under the new s.121(7A) a person will commit an offence under s.121(3A) if the conduct is for the purpose of causing the child to marry in England or Wales; or at the time of the conduct the person responsible or the child is habitually resident in England and Wales; or the child is a UK national habitually resident in England and Wales. The parents or relatives of a 16- or 17-year-old child will not therefore be able to circumvent the law by travelling abroad for the wedding. This should send a clear message to families that they cannot organise a marriage for a child and, as indicated in the Explanatory Notes to the Act, should offer ‘clarity to professionals such as teachers and social workers who are uncertain whether they should report children travelling abroad to marry to the police’ (Para 8). However, no changes are made to the FLA which enables the courts to make forced marriage protection orders i.e. civil orders for the purpose of protecting persons who have been forced to marry or are at risk of being forced into marriage. S.63A(6) indicates that force includes to ‘coerce by threats or other psychological means.’ The provision is designed to emphasise that ‘force’ is not limited to physical violence and is not intended to provide a full and comprehensive definition. In addition, the term ‘other psychological means’ can cover the controlling influence that a parent has over a dependent minor and so it was arguably unnecessary to amend s.63A. Nonetheless, the message that child marriage is unacceptable would have been even stronger if the FLA had also been amended to stress that *any conduct*, for the purpose of causing *a child* to marry, constitutes force, even if it does not amount to violence, threats or coercion.

As indicated earlier in the paper, it is more difficult to protect a child if the marriage is religious only, due to the lack of involvement of public authorities. A ceremony that does not purport to comply with the provisions of the MA 1949 does not even give rise to a void marriage: it is ‘non-qualifying’ which means that the parties are treated in law as an unmarried couple (*Attorney General v Akhter* [2020] EWCA Civ 122). However, legislation relating to forced marriage is not restricted to formal legal unions. S.63S of the FLA and S.121(4) of the ASBCAPA both declare that in the context of forced marriage, ‘marriage means any religious or civil ceremony of marriage (whether or not legally binding)’. A person who forces another to enter a religious only marriage thus commits a criminal offence: indeed, the first conviction under ASBCAPA related to a marriage that was not legally binding (See R. Gaffney-Rhys, The criminalisation of forced marriage in England and Wales: One year on. Family Law, 2015, p.1378). Furthermore, a forced marriage protection order can be obtained to protect a person who has been forced into a religious marriage or is at risk: *Bedfordshire Police Constabulary v RU and another* [2013] EWHC 2350 (Fam) is an example. During the Parliamentary debates on the MACPMA Bill Pauline Latham stated that ‘the only requirement on religious marriages is that they are not forced marriages’ (Hansard, Col.807). She then gave an example of two 15-year-old girls from Sheffield who had been married in religious ceremonies and relocated to south-east England with their ‘husbands’. South Yorkshire police investigated, but did not charge anyone under ASBCAPA due to the lack of evidence of coercion or duress. Mrs Latham indicated that ‘the police were limited in their ability to safeguard [the girls]. There was no offence committed….as both children consented to the marriages’ (Hansard, Col.809). She proceeded to declare that ‘our legal system allows children, sometimes as young as 7, to consent to unregistered religious child marriages. As long as they are not forced to a standard beyond all reasonable doubt, it is not against the law.’ (Hansard, Col.807-8). This is not an accurate description of the law. First, a number of criminal offences may be committed by those who organise a marriage for a child under the age of 16 and by the child’s spouse. The relationship is likely to involve sexual activity, which a child under 16 cannot lawfully consent to under the SOA 2003: the spouse could be prosecuted for rape or sexual activity with a minor and those who arranged the marriage could be charged with causing or inciting a child to engage in sexual activity or arranging the sexual exploitation of a child. Due to the harm that the child will suffer, parents who organised a marriage could be charged under s.1(1) of the Children and Young Persons Act 1933 which provides that ‘a person over the age of 16 with responsibility for a child under 16, commits an offence if he or she wilfully assaults, ill-treats, neglects, abandons or exposes, causes or procures the child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering or injury to health’. Arranging a marriage for a child under 16 arguably causes their ill-treatment and exposes them to unnecessary suffering or injury to health. The offence is punishable by up to 10 years in prison (s.1(1)(a)). Second, various civil law mechanisms can be utilised to protect children who have been or are at risk of being forced to marry (listed in Annex A to the CPS Legal Guidance on ‘So-called-honour-based-abuse-and-forced-marriage’ 2019). In cases of urgency the police can remove a child and take them into police protection under s.46 of the CA 1989 or an emergency protection order can be obtained under s.44. This buys sufficient time to apply for a more long-term order e.g. a care or supervision order under s.31 of the CA. Children can also be made wards of the court under the High Court’s inherent jurisdiction, which prevents any important decision being made regarding the child without the court’s permission. A combination of orders may be appropriate, for example, in *A v SM and another* [2012] EWHC 435 (Fam), forced marriage protection orders were made in respect of seven siblings and those who had not reached adulthood were made wards of the court. The court instructed the local authority to investigate whether care proceedings should be initiated, and an urgent hearing was arranged to consider whether the court should make interim care orders. In summary, various provisions of the criminal and civil law can be invoked to protect children who have been forced into a religious only marriage or are at risk of being forced into one. It is concerning that politicians with an interest in child protection have made such inaccurate statements regarding the power of the law to safeguard children and suggests that the law has not been fully utilised to protect children. This is not to say that the changes made by the MACPMA Act 2022 are not necessary. When the Act comes into force it will be easier to secure a conviction under the ASBCAPA because proof of violence, threats or coercion will not be required and as Pauline Latham indicates, the amendment ‘is intended to be a preventative measure….We are sending a clear message that across England and Wales, irrespective of the type of marriage undertaken, it is against the law for a marriage to include a child’ (Col.809). This message will need to be effectively communicated if the legislation is to have the desired deterrent effect. A widespread educational campaign will therefore be required before the law comes into force, and on an ongoing basis to ensure its continued effectiveness.

Civil partnerships

The MACPMA Act makes the same changes to the CPA 2004 as it does to the MA 1949 and the MCA 1973. The minimum age to register a civil partnership will therefore increase to 18, s.4 of the CPA on parental consent for 16- and 17-year-olds will be removed and a partnership involving a person under the age of 18 will become void, including those formed outside England and Wales by persons domiciled in England and Wales. As indicated earlier, the legislation contains an express provision on the recognition of civil partnerships registered outside of the jurisdiction (s.4), but does not do so in relation to overseas marriages, which is unfortunate. The ASBCAPA does not apply to forced civil partnerships, because it is not a practice that needed addressing, nor are child civil partnerships. The minimum age for civil partnerships is thus being raised to ensure parity between civil partnerships and marriage. Both are relationships with significant legal consequences: both should be reserved for adults.

Conclusion

The Marriage and Civil Partnership (Minimum Age) Act 2022, which raises the minimum age for both relationships from 16 to 18, constitutes an important step in the protection of children from harmful relationships. The legislation is intended to send a clear message that child marriage, which is now automatically categorised as forced marriage, is not tolerated in England and Wales. It is hoped that the law will have a preventative effect, but this will only be achieved if the legislation is supported by a strong educational campaign.