

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## MARRIAGE AND CIVIL PARTNERSHIP (MINIMUM AGE) BILL

*Wednesday 12 January 2022*

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CLAUSES 1 to 9 agreed to.  
SCHEDULE agreed to.  
Bill to be reported, without amendment.

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**not later than**

**Sunday 16 January 2022**

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**The Committee consisted of the following Members:***Chair:* SIR GEORGE HOWARTHCameron, Dr Lisa (*East Kilbride, Strathaven and Lesmahagow*) (SNP)† Champion, Sarah (*Rotherham*) (Lab)Davies, Philip (*Shipley*) (Con)† Gibson, Peter (*Darlington*) (Con)† Holden, Mr Richard (*North West Durham*) (Con)† Latham, Mrs Pauline (*Mid Derbyshire*) (Con)Lockhart, Carla (*Upper Bann*) (DUP)† Loughton, Tim (*East Worthing and Shoreham*) (Con)† Marson, Julie (*Hertford and Stortford*) (Con)† Maskell, Rachael (*York Central*) (Lab/Co-op)† Mishra, Navendu (*Stockport*) (Lab)† Murray, Mrs Sheryll (*South East Cornwall*) (Con)† Osamor, Kate (*Edmonton*) (Lab/Co-op)† Pursglove, Tom (*Parliamentary Under-Secretary of State for the Home Department*)† Sharma, Mr Virendra (*Ealing, Southall*) (Lab)† Smith, Henry (*Crawley*) (Con)† Spencer, Dr Ben (*Runnymede and Weybridge*) (Con)Adam Mellows-Facer, *Committee Clerk*† **attended the Committee**

## Public Bill Committee

Wednesday 12 January 2022

[SIR GEORGE HOWARTH *in the Chair*]

### Marriage and Civil Partnership (Minimum Age) Bill

9.25 am

**The Chair:** Before we begin, I remind Members that they are expected to wear a face covering and to maintain distancing as far as possible. I remind everyone that the House asks that they have a lateral flow test each day before coming on to the estate. Please switch electronic devices to silent. *Hansard* colleagues would be grateful if Members emailed their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

Today's selection and grouping is available online and in the room. No amendments have been tabled. We will have a single debate covering all nine clauses and the schedule.

#### Clause 1

MARRIAGE: INCREASE OF MINIMUM AGE TO 18

*Question proposed,* That the clause stand part of the Bill

**The Chair:** With this it will be convenient to discuss the following:

Clauses 2 to 9 stand part.

That the schedule be the Schedule to the Bill.

**Mrs Pauline Latham** (Mid Derbyshire) (Con): It is an absolute pleasure to serve under your chairmanship, Sir George, and to bring the Bill through Committee. I have been working on it for more than four years, so it is good to be at this stage with Government and cross-party support. This is a groundbreaking piece of legislation that will affect millions of young people over time. I am delighted to be at this stage.

I will deal with clauses 1 to 9 and the schedule together. The provisions end child marriage in England and Wales. They do so first by removing the ability of parents or a court to consent to 16 or 17-year-olds entering into a marriage or civil partnership. Secondly, they extend existing forced marriage legislation by making it a criminal offence to arrange the marriage of an under-18 even if violence, threats or another form of coercion are not used. Those provisions are targeted at unofficial, non-binding marriages that are beyond the reach of the change to the legal age of marriage. Together, the changes will end child marriage in this country.

The number of people marrying legally in England and Wales at 16 or 17 is small and continues to decline. Of nearly 235,000 marriages in 2018, only 134 involved one or both persons aged 16 or 17. Despite the low numbers, there remains undeniable concern that our law should not allow children to enter marriage under any circumstances. Research has shown that child marriage is often associated with leaving education early, limited career and vocational opportunities, serious physical

and mental health problems, developmental difficulties for the children born to young mothers and an increased risk of domestic abuse.

On Second Reading, I set out some of the harrowing and inspiring stories of child marriage that have been shared with me since I began this project. In particular, the story of Payzee Mahmood, who was subject to child marriage in this country, is a powerful reminder that overall statistics are not the most important metric in this discussion. Every single child matters and ought to receive our protection. Protecting children is our obligation and our priority. The United Nations Committee on the Rights of the Child recommends that there be no legal way for anyone to marry before they turn 18, even with parental consent.

The fact that it is possible to marry at 16 sets the wrong example, both at home and abroad; having laws that enable child marriage weakens our voice in discussions with other countries and damages efforts to end child marriage globally. This is an area where we should lead by example, and the Bill will enable us to do that.

Setting the age of marriage at 16 was a decision made in 1929, when life was very, very different. Children often went to work at 14, as my mother did, and life expectancy was 20 years lower. Now, children in England must remain in education or training until they are 18, and couples are choosing to marry much later. We must celebrate the improvements we have made to quality of life and ensure that our laws align with that.

Increasing the minimum age of marriage to 18 is a necessary condition for ending child marriage in this country, but not a sufficient one. It will ensure that legal marriages cannot happen before the parties turn 18, but it can do nothing about those marriages enacted in traditional and some religious settings that are not recognised by the law of England and Wales, but are regarded just as much as a marriage by the parties, their families and their communities. Those marriages can have all the disadvantages for the children involved that legal ones do, and arguably more; not only can the parties be under the age of 16, but they fail to benefit from the legal protections inherent in marriage law.

In 2020, the Government's Forced Marriage Unit provided advice and support in 113 cases involving the actual or potential marriage of a child aged 15 or under. The charities I work with have supported girls as young as seven who have been married in religious or cultural ceremonies in the UK. The Bill therefore extends the offence of forced marriage to cover all attempts to make a child under the age of 18 enter into a marriage, whether or not that marriage would be legally binding.

The offence as it stands covers cases where a parent or other third party uses violence, threats or another form of coercion to cause a child to enter into a marriage. It does not cover situations where a parent or other third party causes a child to enter into a marriage if coercion is not used. The Bill closes that loophole by making it an offence to cause an under-18 to enter into a marriage in any circumstances.

The distinction between the marriage of a child that involves coercion and one that does not is often false. Children may not realise that they have a choice as to their marriage partner. They may not realise that they can resist, or they may be too afraid to do so. In such cases, the parent would have no need to use coercion.

This is not just a theoretical gap; we have heard from the Forced Marriage Unit, the police and charities of cases where marriages have been arranged for children who are in this position. Ultimately, children can be put in the impossible position of either “consenting” to a child marriage, or testifying against their parents. That is why it is so crucial that we automatically categorise any marriage involving a child as a forced marriage—to close this loophole and ensure that all children are protected from all forms of marriage.

Having given that background, I turn to the clauses. Clause 1 increases the minimum age of marriage in England and Wales to 18. It amends the Marriage Act 1949 so that a marriage solemnised where one party is under the age of 18 is void. It also removes all provision for 16 to 17-year-olds to marry with parental or judicial consent. It applies both to civil ceremonies and religious ceremonies that take place in registered religious buildings such as churches and mosques. The clause does not make specific provisions relating to marriages that take place abroad. However, it is anticipated that, following the changes made by the Bill, the common law in England and Wales will not recognise marriages that take place abroad involving under-18s where either party is domiciled in England and Wales.

The Bill will not change the age of marriage in Scotland or Northern Ireland, as marriage is a devolved matter. Therefore, the age of marriage will remain 16 in Scotland, and 16 in Northern Ireland with parental or judicial consent, although I believe that Scotland is looking at moving the age to 18 and Northern Ireland is considering it by consulting.

Clause 2 expands existing forced marriage legislation to ensure that it is always illegal to arrange the marriage of a child, even where no force or coercion is used. Subsection (2) amends section 121 of the Anti-social Behaviour, Crime and Policing Act 2014, “Offence of forced marriage”, by inserting a proposed new subsection (2A) which would criminalise any conduct that is for the purpose of causing a child to enter into a marriage before their 18th birthday.

Clause 2(3) would amend section 121(3), under which, as it stands, it is an offence to deceive someone into leaving the UK so as to force them into marriage. The clause would expand the scope of that offence to encompass the new, non-coercive behaviour in proposed new subsection (2A). It would therefore be an offence to deceive a child into leaving the UK for the purpose of causing them to marry, even when no actual coercion was involved upon the child’s arrival in the foreign country.

Clause 2(4) would insert proposed new subsection (5A) into the 2014 Act to clarify that “child” means a person under the age of 18. Subsection (5) would extend section 121(6). Subsection (6) of that existing section provides that the offence of forced marriage is committed even if the perpetrator uses coercive behaviour against someone other than the person whom they intend to force into marriage. Clause 2 would provide that that applies equally to the new, non-coercive behaviour under proposed new subsection (2A).

Clause 2(7) would insert proposed new subsection (7A), which would exclude from the new offence conduct that causes 16 and 17-year-olds to enter into a marriage in Northern Ireland or Scotland. That reflects the fact that in Scotland it remains possible for 16 and 17-year-olds to marry in all circumstances, and in Northern Ireland if their parents or a court consent.

Aside from the Scotland and Northern Ireland exemption I have just set out, clause 2 would inherit the existing provisions of the forced marriage offence in terms of definition of marriage, territorial scope and sentencing. The offence therefore applies to any religious or civil ceremony of marriage, whether or not it is legally binding, and carries a maximum sentence of seven years.

Clauses 3 and 4 are both concerned with amendments to the Civil Partnership Act 2004.

**Tim Loughton** (East Worthing and Shoreham) (Con): I congratulate my hon. Friend on this important Bill. I welcome her to the club of someone who will have a private Member’s Act amending the Marriage Act 1949.

May I ask for two points of clarification? I am pleased that she has applied the measure to non-formal religious marriages. First, will she clarify whether the marriage of someone of 15 or 16 in Scotland or Northern Ireland who gets married without coercion, but with the approval of parents, will be recognised in England and Wales? Secondly, given this important legislation, does she now think that there are other areas of this whole grey area of what constitutes a child—16 or 17, up to 18—that the Government need to look at as well?

**Mrs Latham:** The answer to the first question is yes, such a marriage would be recognised, because it took place in part of the United Kingdom, and the law is devolved. The answer to the second question is yes, I think that the Government need to look at everything to do with a child’s rights up to the age of 18. Perhaps the Minister will take that back to Government for them to look at all sorts of things that happen at all sorts of different ages, so that we know where children can and cannot do things. I think that would make it much simpler. I am sure that my hon. Friend will be pleased to know that the measures affect the Civil Partnership Act 2004, too, so the effect on heterosexual marriages and civil partnerships will be equal, which is really important.

Clause 3 increases the minimum age of civil partnerships to 18 in England and Wales, and it amends the 2004 Act so that 16 and 17-year-olds are no longer eligible to enter a civil partnership. It also removes all provisions for 16 and 17-year-olds to enter a civil partnership with parental consent.

Clause 4 amends the Civil Partnership Act so that where two people register as civil partners in Scotland or Northern Ireland, the partnership will be void if at the time of registration either of the two people were domiciled in England and Wales and if either was under 18. The clause also provides that if two people convert their marriage into a civil partnership under Northern Irish regulations, it will be void if either of the two people were domiciled in England and Wales and if either was under 18 when the marriage was solemnised. I think I was unclear with my hon. Friend the Member for East Worthing and Shoreham. Two under-18s who live in Scotland can still be married, and the marriage would be recognised in this country, but if either of them is domiciled in England, the marriage would not be recognised.

Finally, clause 4 also contains the only amendments in the Bill that extend to Scotland and Northern Ireland, and it therefore forms part of the law of Scotland and Northern Ireland. It amends section 217 of the Civil

[Mrs Latham]

Partnership Act so that where a person domiciled in England and Wales registers an overseas relationship, that relationship will not be treated as a civil partnership if either party was under 18.

Clause 5 gives effect to the schedule, which makes minor and consequential amendments to existing legislation. The amendments that are set out in the schedule are required as a result of the changes to the law made by clauses 1 to 4. The amendments, which affect the Marriage Act 1949, the Marriage (Registrar General's Licence) Act 1970, the Matrimonial Causes Act 1973 and the Civil Partnership Act 2004, repeal and amend provisions relating to marriage and civil partnership of under-18s, which are no longer necessary or appropriate.

Clause 5 also gives the Secretary of State a power, by regulation, to make further consequential amendments. Regulations made under the clause may include transitional or saving provisions, and may amend, repeal or revoke secondary and primary legislation, which, for these purposes, includes the legislation of the devolved Administrations. The Ministry of Justice and the Home Office believe it necessary to take such a power to avoid any implementation difficulties or legislative inconsistencies—beyond those addressed in the schedule—that may otherwise arise. Amendments to primary legislation in the exercise of that power will be subject to the affirmative resolution procedure. Amendments to secondary legislation will be subject to the negative procedure.

Clause 6 sets out the territorial extent of the Bill. The Bill extends to England and Wales only except for clause 4(3) and clauses 5 to 9, which also extend to Scotland and Northern Ireland. The substantive changes made by clauses 1 to 4 relate to the legal age of marriage and civil partnership in England and Wales only. However, as I have mentioned, one amendment that extends to Scotland and Northern Ireland is required. It relates to the recognition of an overseas relationship where one of the parties was domiciled in England and Wales when the overseas relationship was registered.

Subsection 6(2) provides that clause 5 relating to the power to make consequential amendments, clause 6 itself, clause 7 on commencement, clause 8 on saving provision and clause 9 containing the short title all form part of the law of the United Kingdom.

The matters to which the provisions of the Bill relate are not within the legislative competence of the Scottish Parliament, the Welsh Parliament or the Northern Ireland Assembly, and no legislative consent motion is being sought in relation to any provision of the Bill. If there are amendments relating to matters within the legislative competence of the Scottish Parliament, or the Northern Ireland Assembly, the consent of the relevant devolved legislatures will be sought. Marriage law is not a devolved matter for the Welsh Parliament.

9.45 am

Clause 7 provides that the Bill will come into force on such a day as the Secretary of State may by regulations appoint. Different days may be appointed for different purposes. The Secretary of State may make transitional, transitory or saving provisions in connection with the coming into force of any provision in the Bill. Regulations under this section are to be made by statutory instrument.

Clause 8 provides that any amendments made by the Bill do not affect the validity of any marriages or civil partnerships entered before the Bill comes into force. Finally, clause 9 is the short title.

**Sarah Champion** (Rotherham) (Lab): It is a pleasure to serve under your chairship, Sir George. I am so pleased that the hon. Member for Mid Derbyshire has campaigned with such tenacity on this issue. She has had knocks from every side, but she has kept on going because she knows that it is the right thing to do. I am in awe that she has got the Bill to this point, and all power to her. I would also like to thank the Iranian and Kurdish Women's Rights Organisation, Karma Nirvana and the Girls Not Brides campaign for their ongoing work to help victims and put an end to child marriage.

This is a big problem. Internationally, 12 million girls are married before the age of 18 each year. That is 23 girls every minute. The UK signed up to the UN definition of a child being someone up to the age of 18, but child marriage is still prevalent in this country. Currently our laws allow for a legal marriage to take place from age 16 with parental consent. However, Karma Nirvana's executive director, Natasha Rattu, says that in her experience many children are pressured into these marriages by family members. Last year, over a quarter—199—of the 753 cases dealt with by the UK's forced marriage unit were of children under 18, and 113 of those forced marriages were of children under 15.

It is often difficult to apply the parameters of forced marriage to child marriage. Child marriage violates girls' rights to health, education and opportunity. Girls are highly likely to experience sexual and domestic violence in a child marriage and they often struggle to find a way out. If the UK wants to be a global leader on women and girls' rights, we must begin by banishing this horrendous practice from our own communities once and for all. Between 2007 and 2017, 3,096 marriages involving children aged 16 and 17 were legally registered in England and Wales, according to the Office for National Statistics. However, we must also discuss the importance of tackling unregistered child marriages. That is why I am so supportive of this Bill.

In the last year, Karma Nirvana has offered support in 76 cases of child marriage. Only 5% of those were registered and an overwhelming 95%—72 out of 76—were non-registered and religious marriages. These marriages are never reported, which presents a really significant barrier to protection and safeguarding. It is so important that this Bill covers any marriage involving a child who lives in England and Wales, or who is a UK national—here is the crux of it—even if the marriage does not take place in this country. It also covers those who officiate the marriage, so no more turning a blind eye with this Bill.

For years I have worked to try to improve safeguarding for all children, both nationally and internationally, which is why I am delighted that this Bill will provide a huge step forward in preventing child abuse. I am proud that England and Wales will soon be able to set an example for other countries to follow—I urge the rest of the UK to do the same.

Internationally, there is still a long way to go but there is some progress. In the USA, for example, in 2017 all 50 states allowed minors to marry in some cases.

Since 2018, six states have banned all marriages before 18, but most states allow teens to marry at 16 or 17 if parents and a judge consent. Nine states still have no minimum age for marriage at all. We need to ensure that more protections are in place and that the general public are aware of the laws, so that victims of child marriage can be identified and supported, and I thank the hon. Member for Mid Derbyshire so much for the work she is doing to make that a reality.

**Dr Ben Spencer** (Runnymede and Weybridge) (Con): It is a pleasure to serve under your chairmanship, Sir George. I congratulate my hon. Friend the Member for Mid Derbyshire on getting the Bill to this stage. It is a landmark piece of legislation and a very important Bill.

I will focus my comments specifically on legal marriage. One of the reasons why my hon. Friend's Bill is so important is that the current legal position on consent to marry is, at best, bizarre and contradictory, and at worst, an historical anachronism. I will lay out why that is, in relation to the operation of the Mental Capacity Act 2005 and how it applies to children in this situation. As well as implementing my hon. Friend's Bill, we really need to take forward how that Act operates.

Looking at adults, the law on consent is codified in the Mental Capacity Act 2005, which lays out what criteria one needs to show in order to demonstrate that one has the decision-making capacity to make a decision. Marriage is one of the decisions that falls within scope, along with decisions to do with sexual relations and medical treatment. There are two types of adults in this world: those with decision-making capacity for a specific decision, and those without. When capacity is lacking and a decision and action has to be taken, the clinician or whoever is involved has to assess the decision-making capacity and then make a decision in someone's best interests. There are provisions for what is effectively proxy decision making—such as lasting power of attorney, and some situations where people take part in clinical research—but even then the person making those decisions has to act in the person's best interests.

In general, if someone is lacking capacity and a decision needs to be made, the person acting on behalf of an individual has to make a decision in their best interests, so a best interests framework operates. However, the Mental Capacity Act 2005 states that some decisions are far too personal for someone to make a decision on behalf of someone else in their best interests. I realise that I am going into a technical wonderland of best interests, but a good example is found in medicine. Let us say that someone has been hit by a car and is unconscious. When they come to hospital, the doctors need the powers to treat them. In the context of someone who is unconscious, it is not possible to assess their decision-making capacity, so a decision has to be made in their best interests. Problems arise when there are more complicated decisions and when people are awake, conscious and able to contribute to discussions.

The Mental Capacity Act excludes a certain set of decisions. Where people lack capacity, others can make decisions on their behalf—adoption and marriage are a couple of examples. Of course, parents are able to make a range of very personal choices and decisions for their children, particularly around medical treatment, but even in medicine there are limits on how much parents

can consent. When children are detained under the Mental Health Act 1983, there are certain medical interventions for which parental consent alone cannot be relied on, because it is deemed to be too personal and too complex. Electroconvulsive therapy treatment is one of them, and I believe that in the context of serious interventions for children with long-lasting consequences, there are situations where clinicians may want to go to court to get extra back-up and reinforcement because of the nature of the decision.

We have a weird dichotomy, because the Mental Capacity Act states that if an adult lacks capacity, there are decisions that no one can make on their behalf, with marriage and adoption being two examples. However, if someone is a child between the age of 16 and 18—admittedly with decision-making capacity—parental consent can be used to enter into a contract such as marriage. I think that is completely bizarre and it needs to be changed.

Marriage is a big decision, and one that we expect to be a long and lasting decision. Of course, it is not an irreversible decision because of the divorce laws that we have, but I do not think there is a situation so pressing as to not allow a decision to enter into marriage to be delayed until the age of 18. I realise that is not necessarily an uncontroversial point of view—people have different views on it, such as those with strong religious beliefs—but fundamentally I think it is absolutely right that we move marriage to the age of 18. That is because the backdrop to this is a recognition that we see people under the age of 18—children—as inherently vulnerable. Although someone between the ages of 16 and 18 may have decision-making capacity, they are still not necessarily fully mature. They are still potentially more vulnerable than an adult, and we include in our law legal gatekeepers, the thresholds that we determine one must pass to become an adult. The Bill is very important in exemplifying that a child, even someone with full decision-making capacity at the age of 16 or 17, is still someone whose potential vulnerability we have concerns about, and has not moved into adulthood.

**Sarah Champion:** I agree with the arguments that the hon. Gentleman is making, but for me this is also about the fact that the state has a legal, mandatory duty to take care of someone under the age of 18. It is reneging on its duties unless this Bill is enacted.

**Dr Spencer:** I thank the hon. Lady for her intervention, and I see where she is going with her mention of the duty. As always, we will get into a bit of a debate over the duties of the state to protect the most vulnerable in our society, under-18s. One could fiddle around with this, and we could start getting into debates about the right to personal freedoms under article 8(2) of the European convention on human rights, but she has made a strong point.

The hon. Lady has helped me to move on to my more substantial point in this debate, because although children are of course vulnerable and the state has a legal duty to protect them, there is another range of people who are quite vulnerable and who this Bill does not cover: those who have marginal decision-making capacity to consent to marriage. I have done lots of decision-making capacity assessments in my career as a doctor and as a subject of my previous academic research. I admit that I have never made an assessment of capacity to marry, but in

[Dr Ben Spencer]

general, while the decision about whether somebody has decision-making capacity is very binary—yes or no—there are people whose assessments lie somewhere in the middle, and whose situation is unclear and complicated. Those assessments go to the courts for determination, and there are people with a range of mental conditions, such as learning disabilities and cognitive impairment, whose capacity to consent to marriage may be marginal and may be queried, and about whom determinations need to be made.

Although the broad criteria for assessing decision-making capacity for marriage are codified in the Mental Capacity Act 2005, there was originally a common law test, and following that Act the courts have continued to interpret it and apply common law tests for marriage. The test that has been used has evolved over the past 20 to 30 years, and it interacts quite tightly with the common law test for capacity to consent to sexual relations, because judges, rightly or wrongly, have looked at those two as being quite closely associated. In previous cases that have gone to the courts, it has been said that the capacity to consent to sex has to be a lower threshold than the capacity to consent to marry, because by definition if a person marries they have to consummate the marriage. Those are not my words, and they are not necessarily my views, but they are how the courts have applied those two common law tests of capacity.

Our judiciary is absolutely fantastic. It is great that we have it, and those judges do fantastic work in applying the capacity test to complex situations, but nevertheless those tests have evolved over the past 20 or 30 years, importing societal values and mores into them. While we are making clear decisions about what we define as childhood and adulthood, there are some very broad-brush legal proceedings in terms of children.

10 am

Indeed, courts have to interpret the Mental Capacity Act 2005, which is the general framework for assessing capacity. On the train on the way to this Committee, I was reading about a recent case relating to the common law test of marriage that said that test now includes consideration about the extent of a person's assets, in certain situations. So a whole range of issues are being brought into this that will have big, real-world impacts on people being able to get married or not, and have consequences for them. It is a big deal.

Our courts do this very well, but it concerns me that we have not sat down and had a proper look at the issues around the group of people for whom capacity to marry could be quite marginal. We have not said, "Actually, should Parliament codify the common law tests for consent to marriage and consent to sex?" I mused as to whether I could table a probing amendment or a new clause to this Bill relating to that issue, but the last thing I want to do is hinder its progress or cause a big problem. To be frank, I do not know what I would put down as the common law test for either of those things. As a Parliament, we need to look into this on a cross-party basis.

The Bill will massively help vulnerable children and protect them, but there is a swathe of vulnerable adults with marginal capacity to consent to sex or marriage. We do not know if they are being protected sufficiently,

or if we have limited their freedoms too much, in terms of the way the common law tests to marry or to have sex are operating. Once my hon. Friend the Member for Mid Derbyshire has got the Bill over the line and on to the statute book, I hope hon. Members on this Committee would be keen to take the next steps to look properly at how the common law tests for marriage and for sex are working, and to see if we can do something to improve them.

**Tim Loughton:** My hon. Friend is making some good points about this subject, about which he might like to introduce a private Member's Bill. We are dealing only with the chronological definition of children, but there is a real problem. We know about the low rape convictions in this country—I apologise that I have to leave this Committee to go to the Home Affairs Committee, which is looking into this matter at the moment—but they are just the cases that come forward. Those who do not have capacity come forward to declare that they have been the victim of sexual offences even less often.

I have tried to allude to the definition of children, their rights and the responsibilities of adults towards them, but this whole area needs to be cleared up. Even if my hon. Friend the Member for Runnymede and Weybridge is not lucky enough to be chosen in the private Members' Bill ballot, as my hon. Friend the Member for Mid Derbyshire and I have been in the past, I am sure the Home Office Minister here today will take away these important matters and come back with Government-backed legislation, in due course.

**Dr Spencer:** I thank my hon. Friend for that brilliant intervention. It was prescient, as I was about to say that there is an even bigger problem in the interaction between civil cases, about people who lack capacity to consent to sex, and criminal cases. That will be difficult to deal with, but we need to do that. There are different thresholds, and it is unclear how civil and criminal cases interact.

There is also the situation where one of the partners in a marriage loses capacity to consent to sex, but sexual relations continue. How do we, as a society, want to think about that? I am sure everyone has deeply held personal opinions on this, but I have heard what I think are awful stories—for example, a person in a couple developed dementia and lost the capacity to consent to sex, but the couple continued to have sexual relations. Social services got involved and it all got pretty horrible. These are big issues.

The last thing I want to do, however, is to hold up the Committee or prevent the Bill from making progress; that is why I declined proposing putting anything in the Bill, but I hope that the Minister has heard the points made, and that we can get something moving, using the Bill as a springboard to the next step in helping people in such situations.

**Peter Gibson (Darlington) (Con):** It is a pleasure to serve under your chairmanship, Sir George. I will keep my remarks brief, so we can get on.

I commend my hon. Friend the Member for Mid Derbyshire; I echo the remarks of the hon. Member for Rotherham on that point. My hon. Friend has expertly guided this vital piece of legislation through Second Reading and Committee. From my experience, I know how rewarding yet challenging this process can be. I congratulate her on reaching this stage.



More must be done to address the practice of child marriage in England and Wales. Official figures for 2017 show that in that year, 183 individuals entered marriage at age 16 or 17. We know, however, that the recorded data do not accurately reflect the number of children marrying in religious and customary ceremonies. I welcome the measures in the Bill to address that. I wholeheartedly support the Bill's intention of raising the minimum legal age for marriage and civil partnership to 18, and making it illegal for persons to arrange the marriage of a person under that age. I am pleased to be in Committee to support my hon. Friend's Bill as it progresses. I look forward to it completing its remaining stages.

**The Parliamentary Under-Secretary of State for the Home Department (Tom Pursglove):** It is a pleasure to serve under your chairmanship, Sir George.

My hon. Friend the Member for Mid Derbyshire has, as ever, eloquently set out her case in support of the Bill, an important change that she has championed, as has the hon. Member for Rotherham. I do not propose to detain the Committee for long, but I wanted to place on the record all the work that my hon. Friend has done in this space. With that, on behalf of the Government, I very much commend the clauses to the Committee.

**Mrs Latham:** Thank you for allowing me a few more words, Sir George.

I place on the record my thanks to everyone who has helped me get the Bill to this stage, including the charities that we have been working with, which the hon. Member for Rotherham mentioned: Karma Nirvana, which has been amazingly supportive; IKWRO; Girls Not Brides; and others. In particular, the story of inspirational Payzee Mahmud made me determined not to give up trying to get the Bill through, and to keep being a pain in the neck for Ministers and civil servants until I got to this stage. I thank those people in particular because they have worked so hard with me.

I also thank Committee members, who have given their time to support the Bill. Private Members' Bills do not always have support from across the House, but this

one does. I commend my colleagues on the International Development Committee, who have been so supportive, particularly our Chair. I really commend my office staff, who have worked tirelessly to support me, and did the research to get us to where we are today. I also thank the Clerks, and the staff who work for the Department and for Parliament. Without their support, we could not have got here.

I thank the Under-Secretary of State for the Home Department, my hon. Friend the Member for Redditch (Rachel Maclean), who has been working tirelessly with the Minister to get us to this stage, and to make sure that we dotted the i's and crossed the t's. I thank the Minister for his support, because without it we could never have got to this point.

I feel very privileged to be here today, having just recovered from covid. It was touch and go on whether I would be able to make the Committee, so I am delighted to be here, fit and well. I hope that the Bill will travel through the House of Lords and come back very quickly, and that we get Royal Assent before Easter. If we do, this really important piece of legislation will have been passed relatively quickly. Thanks, everybody. I thank our Chairman, Sir George Howarth, very much for his chairmanship. I am delighted that we have got to this stage.

**The Chair:** I congratulate the hon. Lady. Very few Members of Parliament get a piece of legislation through in their name. Quite aside from the importance of the issue that the Bill covers, her achievement in getting something on the statute book—as I am sure she will in due course—is rare, and she should be very pleased with it.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clauses 2 to 9 ordered to stand part of the Bill.*

*Schedule agreed to.*

*Bill to be reported, without amendment.*

10.11 am

*Committee rose.*

