*This is one of a number of Ancillary Papers relating to the report of the Marriage and Relationships Task Group that is being presented to the Methodist Conference in 2019. The report itself, entitled God in love unites us can be found and downloaded from* [*www.methodist.org.uk/MandR19*](http://www.methodist.org.uk/MandR19)

*The report does not depend on these papers. They have not been presented to the Conference or approved by any formal body in the Methodist Church. They have been written as background papers or to help the Task Group think through some particular issues as it sought to come to a mind and develop its views in writing its report. They are not necessarily the considered view of the whole of the Task Group, but are offered here in the hope that some may find them stimulating, challenging or illuminating.*

**ANCILLARY PAPER B:**

**LEGAL DEVELOPMENTS IN THE HISTORY OF MARRIAGE AND RELATIONSHIPS**

*Below is set out a timeline of some important developments in the law relating to marriage and developments in the United Kingdom, and its constituent nations. The list is not meant to be exhaustive.[[1]](#footnote-1)*

1753 (Lord Hardwicke’s) Marriage Act for the first time required a formal ceremony of marriage by an Anglican priest with two witnesses and registration. (Only Jews or Quakers were excluded.)

1836 Marriage Act made provision for civil marriages for the first time, and for non-Anglican churches to be registered for marriages.

1839 Custody of Infants Act permitted a mother to petition the courts for custody of her children up to the age of seven, and for access in respect of older children. The Infant Custody Act 1873 amended this by indicating that the correct principle for deciding custody was the needs of the child rather than the rights of either parent.

1857 Matrimonial Causes Act made divorce possible other than by act of Parliament but it remained an expensive procedure. (Between 1700 and 1857, only 314 such acts had been passed by Parliament.) The Act made divorce easier for men than women. Adultery remained the sole ground for divorce but women had to give additional justifications (such as cruelty, bigamy or desertion), or she could cite cruelty alone.

1861 Offences against the Person Act removed the death penalty for male homosexual acts. (The last two public executions for such activity had taken place in 1835.) Female homosexual acts have never been illegal in the United Kingdom.

1870 Married Women’s Property Act allowed married women to be the legal owners of the money they earned and to inherit property. (Previously, once a woman got married she lost all claim to her own money or property.) The 1882 Women’s Property Act allowed women to own and control property in their own right, and recognised husbands and wives as separate legal entities.

1875 Offences Against the Person Act raised the age of consent to 13. (It had previously been set at 12 in 1275.)

1878 Matrimonial Causes Act gave protection to women who were the victims of male violence in marriage, under certain conditions, and effectively permitted legal separations.

1885 Criminal Law Amendment Act raised the age of consent to 16, where it has since remained. It also extended the laws regarding homosexuality to include any kind of sexual activity between males.

1908 Incest Act defined incest as a civil crime for the first time.

1923 Matrimonial Causes Act equalises the requirements for divorce. Adultery remains the sole grounds but women no longer had to prove additional faults against the husband. (The Summary Jurisdiction (Separation and Maintenance) Act 1925 also extended the grounds on which either partner could obtain a separation.)

1926 Adoption Act introduced formal adoption procedures for the first time. These were subsequently amended by the 1949 and 1976 Adoption Acts.

1926 Legitimacy Act enabled children to be legitimated by the subsequent marriage of their parents, provided that they were not born of an adulterous relationship. (This last condition was removed by the Legitimacy Act 1959.)

1929 Ages at Marriage Act raised the age limit to 16 for all those entering marriage. This remains the minimum age.

1937 Matrimonial Causes Act amended the 1857 Act and permitted divorce on grounds other than adultery (desertion for over three years, cruelty and incurable insanity). The Act led to a significant increase in the number of divorces but the process remained expensive.

1967 Sexual Offences Act decriminalised private homosexual acts between men aged over 21. The law was not changed in Scotland until 1980, or in Northern Ireland until 1982.

1969 Divorce Reform Act made marital breakdown a reason for divorce for the first time. It also removed the necessity for either partner to prove the other at fault in order to end the marriage.

1976 Domestic Violence and Matrimonial Proceedings Act provided additional legal protection to female victims of domestic violence.

1987 Family Reform Act removed all remaining legal distinctions between children born to married and unmarried parents.

1994 Criminal Justice and Public Order Act lowered the age of consent for gay men from 21 to 18. In 2001 it was further lowered to 16, bringing it in line with that for heterosexual men.

2004 The Civil Partnership Act allowed same-sex couples in the United Kingdom to enter into a civil partnership.

2013 The Marriage (Same Sex Couples) Act legalised same-sex marriage in England and Wales starting from March, 2014.

2014 The Marriage and Civil Partnership (Scotland) Act 2014 legalised same-sex marriage in Scotland from December, 2014.

2018 The Prime Minister, Rt Hon Theresa May MP, announced that the Government will introduce legislation to extend civil partnerships to mixed-sex couples (October).

1. For more details see the ‘Relationships’ section of the UK Parliament’s website: <https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/> [↑](#footnote-ref-1)