

Scottish Government to Consult on Raising Marriage Age to 18

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— Categories: Human Rights



The Scottish Government has announced plans to consult on raising the minimum legal age for marriage and civil partnerships to 18, aligning Scotland with the current law in England and Wales. At present, individuals aged 16 and 17 can legally marry in Scotland without parental consent, prompting concerns about vulnerability to coercion and exploitation.

The consultation will also explore proposals to expand current forced marriage legislation, making it a criminal offence to compel someone under 18 into a marriage. The move follows continued campaigning by MSP (Member of the Scottish Parliament) Ash Regan, who described the issue as a “hidden crime” that still affects young people across the UK.

In a written answer to Regan, ministers confirmed a formal consultation would proceed. Regan welcomed the development, stating:

“Campaigners have previously highlighted that this leaves girls vulnerable to grooming and coercion. I want to see new safeguards to prevent coerced marriages for under-18s, to protect their childhoods and their life chances.”

UNICEF (United Nations Children’s Fund), a global body focused on child welfare, defines marriage under the age of 18 as “child marriage” and labels it a fundamental violation of human rights. It has long advocated for the global standardisation of 18 as the legal minimum for marriage.

Currently, 16- and 17-year-olds in Scotland are legally able to marry or enter a civil partnership without the need for parental approval, unlike in England and Wales, where a 2023 change raised the minimum age to 18, removing the previous parental consent exception. However, while under-18s from south of the border can still marry in Scotland, such unions are no longer recognised in their home jurisdictions.

Historical context underpins the legal divide. From the 18th century, England imposed stricter marriage laws, while Scotland became known for allowing younger couples to marry without restriction, leading to the rise of Gretna Green as a symbolic destination for eloping lovers. The

divergence persisted well into the 20th century, with full parity still not achieved across the UK.

According to the National Records of Scotland (NRS), 38 males and 78 females aged 16 to 19 married in 2023. By contrast, in 1974 those figures stood at 5,156 and 11,963 respectively, reflecting a generational shift in attitudes toward early marriage.

The upcoming consultation marks a significant step in modernising family law in Scotland. While some may argue that 16-year-olds should retain the right to make personal choices, campaigners maintain that consistent safeguards are needed to prevent coercion and ensure all marriages occur with informed, adult consent.