

## Research Findings

# Family formation and dissolution: Trends and attitudes among the Scottish population

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This Research Finding draws together existing Scottish data on trends in family formation and dissolution. This includes data on marriage and divorce from the General Register Office for Scotland (GROS), Scottish censuses and the Scottish Social Attitudes (SSA) survey. This work has been undertaken as part of the government's commitment to evidence-based policy making in advance of the proposed Family Law reform in Scotland.

## Main Findings

- Trends in marriage and divorce should be seen against a backdrop of increasing cohabitation, delayed parenting, lone parenthood and living alone. Many more people than in the past experience a number of different family formations and family transitions throughout their adult lives.
- The General Register Office for Scotland (GROS) marriage records show that the number of marriages have decreased steadily since 1951. There is some evidence that marriages have stabilised at around 30,000 per year. However, 1 in 6 of these marriages take place in Gretna Green, the majority of which are between non-Scottish residents. Overall, 29% of recent marriages in Scotland are between non-Scottish residents.
- The average age of marriage has increased substantially since 1981 from 27.6 to 34.8 years among men and from 25.3 to 32.3 years among women due, in the most part, to the increase in remarriage and the growing number of couples who live together before marriage. However, the decline in the number of marriages, and later marriage, does not necessarily mean a decline in partnership formation.
- A marked increase in the number of divorces in Scotland is evident up to the early 1980s, according to GROS data. Since then, the numbers have fluctuated, and the number in 2001 was the lowest recorded since 1982. However, the decline in the number of divorces does not necessarily mean a decline in partnership breakdown.
- Research evidence suggests that cohabiting couples either marry or split up within a relatively short time. However, even though cohabitation may be short-lived, increasing numbers of people are living in cohabitation at some stage in their lives, with a relatively higher level of cohabitation among younger people.
- According to Scottish Census data in 2001, 2% of cohabiting couples in Scotland were of the same sex. These couples were recorded as 'ungrouped' individuals in previous censuses, but identified as couples in the 2001 census.
- Increasing numbers of children are being born and raised in cohabiting families. For many people, cohabitation and parenting now go hand in hand. Over one third of cohabiting couple families in Scotland have dependent children living with them, some the children of one partner from a previous relationship and some the children of the couple.
- There appears to be confusion over specific aspects of the status of cohabiting couples and unmarried fathers in Scotland, and in particular, about the extent of legal provision in the event of relationship breakdown or the death of a partner.

## Introduction

Marriage rates and fertility rates are falling across Europe, though at varying pace.<sup>1</sup> Unmarried cohabitation and divorce are widespread and the number of re-constituted families is growing. However, the rates of unmarried cohabitation vary widely from over 20% in Sweden to between 1-5% in Southern European countries. Similarly births to unmarried cohabitantes vary from over 50% of all births in Sweden and Latvia to single figures in Greece and Italy. Experience in Scotland appears to sit somewhere between our Scandinavian and Southern European counterparts in terms of rates of cohabitation and unmarried parenthood.

## Trends in marriage, divorce and cohabitation

In 2001, General Register Office (GRO) data show that there were 29,621 marriages in Scotland. There was a very small increase in 2002 to 29,826 marriages. This compares to over 41,000 in 1951. There is some evidence that marriages are levelling off at around 30,000 per year. However, it is worth noting that 1 in 6 marriages take place in Gretna Green and include a very large proportion of marriages where both bride and groom are resident out-with Scotland (86% and 87% respectively in 2001 and 2002). Overall, 29% of marriages that took place in Scotland in 2001 and 2002 were between a bride and groom resident out-with Scotland.

Between 1981 and 2001, the average age at marriage has increased from 27.6 to 34.8 years among men and from 25.3 to 32.3 years among women. One reason for the increase in average age is the increasing proportion of marriages where one or both parties were divorced at the time of marriage. These marriages now account for 1 in 4. A further key factor that has contributed to marriage at a later age is the growing number of couples who live together before they marry.

The number of divorces in Scotland in 2001 was 10,631. In 2002 the number was marginally higher at 10,856. The 2001 number was the lowest recorded since 1982. A marked increase in the number of divorces is evident up to the early 1980s. The levels fluctuate thereafter. Increasing levels of cohabitation may be related to the recent decline in divorces since the breakdown of cohabiting relationships is not subject to divorce proceedings. The median duration of marriages that ended in divorce in 1981 was 9 years. In 2001, the median duration was 13 years. One possible explanation for this change may be that shorter partnerships that end are now more likely to have been cohabitations.

A range of sources point to the growth in unmarried cohabitation. Among UK women under 50 years, the proportion experiencing cohabitation at some time in their

lives more than trebled between 1976 and 1998, from 9% to 29%.<sup>2</sup> Overall, this means that the proportion of women living in couples has remained almost constant, but more are choosing to cohabit rather than marry. Cohabiting men and women are predominantly in the younger age bands. Despite this, they are also more likely to have had a previous cohabiting union that ended compared to their married counterparts. Cohabitation as a family form is expected to double in England and Wales by 2021.<sup>2</sup>

There is evidence, however, that although increasing numbers of people experience cohabitation, the length of cohabitation is likely to be relatively brief, and move either to marriage or the relationship breaking down. According to an analysis of British Household Panel Survey data, cohabitations rarely last in the long-term as unmarried unions.<sup>3</sup> This analysis suggests that cohabiting unions last (at median) 2 years before either making a transition into marriage, or dissolving. About 60% of cohabitations result in marriage and the remainder dissolve within 10 years. After dissolution, the median duration until the next cohabitation appears to be approximately 5 years. Data from the Scottish Social Attitudes Survey in 2000 suggest that the median length of cohabitation in Scotland is 3 years.<sup>4</sup>

## Family Formation in Scotland

Census data allow a comparison of family types in Scotland between 1991 and 2001 (Table 1). The number of married

**Table 1: Percentage of families by type, 1991 and 2001 censuses**

Family type	% 1991	% 2001
<b>Married couple family</b>	<b>51%</b>	<b>43%</b>
No dependent children	30%	26%
Dependent children	21%	16%
<b>Cohabiting couple family</b>	<b>4%</b>	<b>7%</b>
No dependent children	2%	1%
Dependent children	4%	3%
<b>Lone parent family</b>	<b>10%</b>	<b>11%</b>
No dependent children	4%	6%
Dependent children	4%	7%
<b>Ungrouped individuals</b>	<b>36%</b>	<b>40%</b>
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>

Source: GROS  
Base in 2001 = 2,352,535

<sup>2</sup> Shaw and Haskey (2000) New estimates and projections of the population in England and Wales Population Trends 95; 1-17.

<sup>3</sup> Ermisch and Francesconi (1999) Cohabitation: not for long but here to stay. Colchester; ISER

<sup>4</sup> Barlow (2002) Attitudes to cohabitation and marriage. In 'New Scotland, New Society', Edinburgh 2002.

<sup>1</sup> Hantrais (2003) Comparing Family Change and Policy Responses in Europe. European Research Centre Loughborough University.

couple families declined from over half of families in Scotland in 1991 to 43% in 2001. In contrast, the proportion of cohabiting couples, ungrouped individuals and lone parent families rose between 1991 and 2001. In 2001, 2% of cohabiting couples were of the same sex. In 1991, members of same sex cohabiting couples were counted as ungrouped individuals.

Children live in a variety of family types (Table 2). In 2001 there were 1,072,669 dependent children in Scotland. Of these children, a quarter were living in a lone parent family, usually with the female parent (92%). Almost two-thirds were living in a married couple family and 10% in a cohabiting couple family. This compares to 76% of dependent children living in a married couple family and 4% in a cohabiting couple family in 1991. Recent data also suggest that approximately 1 in 8 children experience life in a stepfamily.<sup>5</sup>

**Table 2: Percentage of dependent children living in family types, 2001 census**

Family type	1991	2001
Married couple family	76%	64%
Cohabiting couple family	4%	10%
Lone Parent Family	19%	25%
Not in a family	0%*	1%
<b>Total</b>	<b>100%</b>	<b>100%</b>

\* the 1991 definition of dependent child means that no child could be defined as 'not in a family'  
 Source: GROS  
 Base in 2001= 1,072,669

## Scottish attitudes towards marriage and other relationship forms

The British Social Attitudes (BSA) Survey and Scottish Social Attitudes (SSA) Survey provide useful data on attitudes across a wide range of topics, including family law and policy.

These data suggest that marriage is still highly valued in Scottish society (Table 3). These findings are consistent with those in England and Wales. Marriage is still seen as 'the best kind of relationship', although this view is supported more strongly amongst older age groups. Those aged over 65 years were seven times more likely to hold this view than those aged 18-34 years. Further analysis of the SSA data show that age, religious attachment, marital status, political

party identification, parental status, newspaper readerships and main source of income were significant factors when examining views on the superiority of marriage.<sup>6</sup>

In particular, there is strong support for marriage as the preferred relationship form within which to bring up children. Over half (55%) of those in the 2000 sweep of the Scottish Social Attitudes Survey agreed that people who want to have children should get married, although an age cohort effect is again evident. Less than one third of 18-24 year olds saw marriage as the preferred relationship form for child rearing.

Despite continuing support for marriage, cohabitation is increasingly seen as an acceptable life choice, with a clear majority indicating that cohabitation is acceptable even if a couple do not intend to get married – two thirds of Scottish respondents indicated that it was 'alright' for a couple to live together without intending to get married (Table 3). Again, the age cohort effect is evident with disapproval on moral grounds higher among older groups.

Although marriage as a relationship form may be seen as preferable as a basis for child rearing, cohabitants do not appear to be perceived as inferior in parenting terms – only a quarter (26%) of Scottish survey respondents agreed that that married couples make better parents than unmarried ones. Over 40% of respondents disagreed with this statement and the remaining respondents were neutral.

**Table 3: Attitudes to marriage and cohabitation, SSA**

Question	Agree (%)
It is alright for a couple to live together without intending to marry	66%
Even though it might not always work, marriage is still the best kind of relationship	61%
Many people who live together without getting married are just scared of commitment	36%
Too many people drift into marriage without really thinking about it	69%
Marriage gives people more financial security than just living together	55%
People who want children ought to get married	55%

Source: Scottish Social Attitudes Survey 2000  
 Base = 1506

<sup>6</sup> Hinds and Jamieson (2002) Rejecting traditional family building? Attitudes towards cohabitation and teenage pregnancy in Scotland. In New Scotland, New Society, Edinburgh 2002.

<sup>5</sup> For Scotland's Children Report (2000); Edinburgh; Scottish Executive

## Perceptions, understanding and use of the legal system

There is evidence of confusion over specific aspects of status of cohabiting in Scotland, which may lead to lack of legal provision in the event of relationship breakdown or death of a partner.

Over half (57%) of those surveyed in Scotland believed that unmarried couples who live together have a 'common law marriage' that gives them the same rights as married couples. This is not currently the case in Scots Law that does not recognise a status of 'common law marriage'. Men, and those under 35 years of age, were slightly more likely to believe in the existence of 'common law marriage' than women and those in older age categories.<sup>4</sup>

Property rights also caused confusion. Over one third (35%) of respondents believed that a woman who had cohabited with a partner for 10 years would have the same rights in relation to the property on the death of her partner as a married woman.

There is evidence of lack of use of current legal provisions by cohabitants for relationship breakdown or the death of a partner, which may lead to an absence of legal protection, usually for one partner. Evidence suggests that the majority of cohabitants (57%) own accommodation, but less than half of these own their property jointly. Only 6% of owner-occupiers had written agreements on ownership sharing.

Confusion over the rights of unmarried cohabiting fathers is particularly high – nearly half (49%) of respondents in the

2000 Scottish Social Attitudes survey mistakenly thought these fathers have the same rights as married fathers in relation to consent to children's medical treatment. When asked whether an unmarried father should have the same rights and responsibilities as a married father, almost all respondents agreed that they should (98%).<sup>4</sup>

Few unmarried cohabiting fathers in Scotland have a legal relationship with their children. Recent research found that 95% of respondents who were currently cohabiting fathers had no parental responsibility order or agreement in relation to their children.

## The significance for policy

The preceding data highlight the extent of family change in Scotland and the greater complexity of family life. They raise issues about the level of public awareness of their family rights and responsibilities, or the lack of them.

The data also suggest that public knowledge and attitudes are, in relation to some issues, poorly aligned with current law and policy. In particular, there appears to be a poor match between what the public understand are the legal and housing protections available to unmarried partners and what is actually available.

The greater variety of family forms and circumstances in which children live and the greater likelihood of family transition also raise important issues for family support services.

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