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STATUTORY INSTRUMENTS

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**2003 No. 413**

**The Marriage (Northern Ireland) Order 2003**

*Supplementary*

**Registration districts and registration authorities**

**30.**—(1) Each local government district shall be a registration district and the district council shall be the local registration authority for the purposes of this Order.

(2) A district council shall, in the exercise of functions conferred on it as a local registration authority—

(a) act as agent for the Department; and

(b) act in accordance with such directions as the Department may give to the council.

(3) Any expenditure to be incurred by the district council in the exercise of functions conferred on it as a local registration authority shall be subject to the approval of the Registrar General.

(4) The Department shall retain or, as the case may be, defray in respect of each financial year the amount of the difference between—

(a) the aggregate of the amounts of salaries, pension provision and other expenses payable by virtue of this Order in respect of any registration district; and

(b) the aggregate of the amounts received in that registration district under any statutory provision or otherwise by way of fees or other expenses.

**Registrars and other staff**

**31.**—(1) A local registration authority shall, with the approval of the Registrar General, appoint—

(a) a registrar of marriages; and

(b) one or more deputy registrars of marriages.

(2) A person holding an appointment under paragraph (1) may with the approval of, and shall at the direction of, the Registrar General be removed from his office of registrar or deputy registrar by the local registration authority.

(3) A local registration authority shall, at the direction of the Registrar General, appoint additional persons to solemnise civil marriages and carry out other functions for the purposes of this Order.

(4) A person shall not be appointed under paragraph (1) or (3) if he is under the age of 21.

(5) Regulations may confer additional functions on a person holding an appointment under paragraph (1).

(6) A person holding an appointment under paragraph (1) shall, in exercising his functions under this Order or any other statutory provision, be subject to such instructions or directions as the Registrar General may give.

**Registrars' offices**

**32.** A local registration authority shall—

- (a) maintain a suitably equipped register office approved by the Registrar General; and
- (b) comply with such directions as the Registrar General may give as to the custody of records and as to register offices generally.

### **Records and documents to be sent to Registrar General**

**33.** A person shall, in accordance with such directions as the Registrar General may give, send to the Registrar General any record or document relating to marriages if directed by him to do so.

### **Annual report**

**34.—(1)** The Registrar General shall send the Department an annual report of the number of marriages registered during each year, together with such other information as he considers it appropriate to include.

(2) The Department shall lay the report before the Assembly.

### **Searches**

**35.—(1)** The Registrar General shall provide indexes to marriage registration records in his custody for inspection by the public.

(2) A registrar shall provide indexes to marriage registration records in his custody for inspection by the public.

(3) Any person may, on payment of the prescribed fee,—

- (a) search any index mentioned in paragraph (1) or (2); and
- (b) require the Registrar General or, as the case may be, the registrar to give him a document in the prescribed form relating to the registration of a marriage.

(4) The Registrar General shall cause any document given by him under this Article or Article 36 to be stamped with the seal of the General Register Office, of which judicial notice shall be taken.

### **Proof of marriage for purposes of certain statutory provisions**

**36.—(1)** Where the marriage of a person is required to be proved for the purposes of any prescribed statutory provision, any person—

- (a) on application to the Registrar General; and
- (b) on payment of the prescribed fee,

shall be entitled to a document in the prescribed form relating to the registration of the marriage of that person.

(2) An application under paragraph (1) shall be in such form and accompanied by such particulars as the Registrar General may require.

(3) The Registrar General or any registrar may, on payment of the prescribed fee, issue such information (including a document as mentioned in paragraph (1)) as may be required for the purposes of any prescribed statutory provision.

### **Fees**

**37.—(1)** The Department may by order prescribe—

- (a) any fee which is required to be prescribed for the purposes of this Order; and
- (b) fees for such other matters as the Department considers necessary or expedient for the purposes of this Order.

(2) An order shall not be made under this Article unless a draft of the order has been laid before and approved by resolution of the Assembly.

### **Offences**

**38.**—(1) Any person who—

- (a) being a person mentioned in Article 9(a), solemnises a marriage without a marriage schedule in respect of the marriage issued in accordance with this Order, being available to him at the time of the marriage ceremony;
- (b) not being a person mentioned in Article 9(a) or (b), conducts a marriage ceremony in such a way as to lead the parties to the marriage to believe that he is solemnising a valid marriage; or
- (c) being a person mentioned in Article 9(a) or (b), solemnises a marriage without both parties to the marriage being present,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

(2) Any person who—

- (a) being authorised under Article 14(1), solemnises a marriage otherwise than in accordance with his authorisation;
- (b) solemnises a marriage in contravention of Article 15(2);
- (c) being a party to a marriage, fails to comply with a notice served under Article 17(2); or
- (d) contravenes Article 12(3), 22 or 33,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Notwithstanding anything in Article 19(1) of the [Magistrates' Courts \(Northern Ireland\) Order 1981 \(NI 26\)](#) (limitation of time for taking proceedings), proceedings for an offence under this Order may be instituted at any time within three years after the commission of the offence.

### **Regulations**

**39.**—(1) Regulations under this Order shall be subject to negative resolution.

(2) For the purposes of this Order, regulations may make such supplementary, transitional or consequential provision, or such savings, as the Department considers necessary or expedient.

### **Repeals**

**40.** The statutory provisions specified in the Schedule are hereby repealed to the extent specified in the second column of the Schedule.