

MARRIAGE (NORTHERN IRELAND) ORDER 2003

S.I. 2003 No. 413 (N.I. 3)

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The Marriage (Northern Ireland) Order (“the Order”) was made on 27th February 2003.
2. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel (“the Department”) in order to assist the reader in understanding the Order. It does not form part of the Order.

BACKGROUND AND POLICY OBJECTIVES

3. The Order aims to reform, simplify, update and consolidate the existing procedures in relation to the formalities to and preliminaries for marriage. It does not deal with the concept of marriage, that being the voluntary union of a man and woman to the exclusion of all others, but instead focuses on the steps that must be undertaken before a marriage ceremony can take place.
4. The Order largely implements the recommendations made to Government by the Law Reform Advisory Committee for Northern Ireland, which had the matter of the law relating to marriage preliminaries referred to it in 1998 by the Secretary of State for Northern Ireland.

CONSULTATION

5. Both the Advisory Committee and the Department consulted widely on the proposed changes to marriage law in Northern Ireland. The responses to three separate consultation exercises revealed widespread support for modification and the legislation received cross party and cross community support when being considered in the Assembly.

OVERVIEW

6. The Order focuses on the central concept of equality, removing the existing complex and anomalous system that applies in many different ways to many different denominations and religions and replaces it with a uniform system of civil preliminaries applicable to all. It is based on the model that has operated in Scotland since 1977.
7. There are several main features of the Order. *Articles 3-8* outline the new preliminaries, based on the use of a marriage schedule. *Articles 10-17* reflect the shift in emphasis in the case of religious marriages from a system based on the registration of buildings to one based on the registration of officiants. This has the effect of allowing religious bodies to nominate persons to solemnise marriage but does not prescribe where a ceremony can take place (without in any way removing the right of an officiant to refuse to solemnise a marriage in a particular location). *Articles 18-21* reflect changes to civil marriages. The rules that dictate that marriages can only currently take place in a registration office will be relaxed to permit marriages to be solemnised in other

*This Explanatory Memorandum refers to the Marriage
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places, subject to control by the local registration district. Finally, [Articles 22-38](#) deal with some supplementary and miscellaneous matters with a view to consolidating the existing law.

8. The Order makes the above changes within the context of the continued validity of religious as well as civil marriages, the minimal interference with existing freedoms of individual denominations and religions, equal treatment between those wishing to have a civil or religious marriage, certainty, simplicity, transparency and ease of application.

COMMENCEMENT

9. [Article 1](#) provides that Article 1 (3) and Article 2 shall come into operation on the expiration of one month from the day on which the Order was made. The remainder of the Order shall come into operation on such day or days as the Department may by order appoint.