

EXPLANATORY MEMORANDUM TO

The Marriage (Amendment) Regulations (Northern Ireland) 2014

SR No. 296

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 3(3), 8(4), 21(4) and 39(2) of the Marriage (Northern Ireland) Order 2003 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will amend the Marriage Regulations (Northern Ireland) 2003 (S.R. 2003 No. 468) to increase the time limit for service of the marriage notice on the registrar from at least 14 days before the date of the intended marriage to at least 28 days before the date of the intended marriage. For consistency, a similar amendment will be made to the time limit for issue by the registrar of a certificate in respect of legal capacity to marry and a consequential amendment will be made to the time limit for payment of fees in respect of attendance by the registrar.

3. Background

- 3.1. This Statutory Rule and the Civil Partnership (Amendment) Regulations (Northern Ireland) 2014 (S.R. No) are required to give effect to the Home Office's new referral and investigation scheme in respect of sham marriages and sham civil partnerships, for which the Immigration Act 2014 provides.

4. Consultation

- 4.1. In 2011, the UK Government consulted on proposed reforms to family migration, including measures to tackle sham marriages.

5. Equality Impact

- 5.1. The Department considers that this Statutory Rule, taken together with the Civil Partnership (Amendment) Regulations (Northern Ireland) 2014 (S.R. No) which make similar amendments in respect of the time limit for service of a civil partnership notice on the registrar, complies with section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A regulatory impact assessment has not been prepared as the Statutory Rule does not impose any costs on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

- 7.1. There will be cost implications for the Department in terms of training for registrars, amending forms etc.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule has been carefully assessed against the provisions of section 24, and the Department believes it fully complies with them.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. In England and Wales, section 31 of the Marriage Act 1949 usually required 15 days notice of marriage to be given. Paragraph 10(2) of Schedule 4 to the Immigration Act 2014, however, amends this notice period from 15 days to 28 days.
- 10.2. In Scotland, section 6(4)(a) of the Marriage (Scotland) Act 1977 (“the 1977 Act”) provided that a district registrar shall not issue a marriage schedule within 14 days of receiving a marriage notice. The Marriage and Civil Partnership (Scotland) Act 2014 (“the 2014 Act”) changes the 14 day period to 28 days (section 18(2)(b) of the 2014 Act refers) and makes ancillary amendments.

11. Additional Information

- 11.1. Not applicable.