
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Marriage (Northern Ireland) Order 2003

Religious marriages

Application by religious bodies for registration of member to solemnise marriages

10.—(1) A religious body may apply to the Registrar General for a member named in the application and aged 21 or over to be registered under Article 11 as empowered to solemnise marriages in Northern Ireland.

(2) The Registrar General shall refuse to register a person under Article 11 if he considers that—

- (a) the body making the application is not a religious body;
- (b) the marriage ceremony used by that body does not include, or is inconsistent with, an appropriate declaration; or
- (c) the person named in the application is not a fit and proper person to solemnise a marriage.

(3) In paragraph (2)(b) an “appropriate declaration” means a declaration by the parties, in the presence of—

- (a) each other;
- (b) the officiant; and
- (c) two witnesses,

that they accept each other as husband and wife.

(4) An application under paragraph (1) shall be in such form and contain such particulars as the Registrar General may determine.

(5) A religious body shall not make an application under paragraph (1) unless it is satisfied that there is a need for a larger number of its members to be registered under Article 11.

(6) If the Registrar General refuses to register a person under Article 11, he shall inform the body of his reasons.

Registration of officiants

11.—(1) The Registrar General shall keep a register of persons registered under this Article as empowered to solemnise marriages in Northern Ireland.

(2) The register kept under this Article shall be open to inspection by members of the public at all reasonable times.

(3) The Registrar General shall register a person in respect of whom an application is made under Article 10, except as provided by paragraph (2) of that Article.

(4) Where, following an application made by a religious body under Article 10, a person is registered under this Article, it shall be the duty of that body to notify the Registrar General as soon as practicable of—

- (a) the death of that person; or
- (b) any change in the information provided in the application,

and the Registrar General shall make such amendments of the register as he considers necessary.

Cancellation of registration

12.—(1) The Registrar General may cancel the registration of a person under Article 11 on the ground—

- (a) that the person has requested the cancellation;
- (b) that the body which applied for him to be registered has requested the cancellation;
- (c) that the marriage ceremony used by that body no longer contains an appropriate declaration within the meaning of Article 10(3); or
- (d) that the person—
 - (i) has, while registered under Article 11, been convicted of an offence under this Order;
 - (ii) has, for the purpose of profit or gain, carried on a business of solemnising marriages;
 - (iii) is not a fit and proper person to solemnise marriages; or
 - (iv) for any other reason, should not continue to be registered under Article 11.

(2) The Registrar General shall where practicable give at least 21 days' notice of his intention to cancel the registration of a person on a ground mentioned in paragraph (1)(d) to that person.

(3) After a person receives a notice under paragraph (2), he shall not solemnise a marriage unless—

- (a) the Registrar General informs him that he has decided not to cancel the registration; or
- (b) an appeal under Article 13 in respect of his registration has been successful.

Appeals

13.—(1) If the Registrar General refuses to register a person named in an application by a religious body under Article 10(1)—

- (a) the Registrar General shall notify the body of his reasons for doing so; and
- (b) the body may appeal to the Department not later than 28 days from the day on which it receives a notice under sub-paragraph (a).

(2) If the Registrar General cancels the registration of a person under Article 12, he shall notify that person and the body which applied for him to be registered of his reasons for doing so and—

- (a) that person; or
- (b) that body,

may appeal to the Department not later than 28 days from the day on which he or it receives a notice under this paragraph.

(3) On an appeal under paragraph (1) or (2), the Department shall—

- (a) notify the appellant of its decision; and
- (b) give the Registrar General such directions (if any) as it thinks appropriate.

(4) If the Department dismisses an appeal under paragraph (1), the appellant may appeal to a county court.

Temporary authorisation to solemnise religious marriage

14.—(1) The Registrar General may grant to a member of a religious body who is aged 21 or over a temporary authorisation to solemnise—

- (a) one or more specified marriages;

(b) marriages during a specified period.

(2) An authorisation under paragraph (1) shall be in writing and subject to any specified conditions.

(3) In this Article “specified” means specified in the authorisation.

Solemnisation of religious marriage

15.—(1) A religious marriage shall not be solemnised by an officiant unless—

(a) the parties in person have produced to him before the marriage ceremony a marriage schedule in respect of the marriage issued in accordance with Article 7;

(b) both parties to the marriage are present; and

(c) two persons professing to be 16 or over are present as witnesses.

(2) An officiant shall not solemnise a religious marriage except in accordance with a form of ceremony which—

(a) is recognised by the religious body of which he is a member; and

(b) includes and is in no way inconsistent with an appropriate declaration within the meaning of Article 10(3).

Registration of religious marriage

16.—(1) The following persons shall sign the marriage schedule immediately after the solemnisation of a religious marriage—

(a) both parties to the marriage;

(b) both witnesses to the marriage; and

(c) the officiant.

(2) The parties to the marriage shall arrange for the marriage schedule to be delivered to the registrar within three days of the marriage.

(3) The registrar shall register the marriage as soon as practicable after he receives the marriage schedule.

(4) Subject to paragraph (5), the registrar shall not register the marriage if he does not receive the marriage schedule.

(5) If the Registrar General is satisfied that the marriage schedule for a properly solemnised marriage has been lost, destroyed or damaged, he may direct the registrar to—

(a) make arrangements for the persons mentioned in paragraph (1) to complete a copy of the original marriage schedule; and

(b) register the marriage.

Registrar’s power to require delivery of marriage schedule

17.—(1) Where after the expiration of 21 days from the date of a religious marriage as entered in the marriage schedule, the registrar has not received the marriage schedule, he may serve a notice in the prescribed form on either of the parties to the marriage requiring that party to arrange for the marriage schedule to be delivered to the registrar within eight days from the date of service of the notice.

(2) If any party on whom a notice has been served under paragraph (1) fails to comply with the notice, the registrar may serve on that party a second notice in the prescribed form requiring that party to attend personally at his registration office, within eight days from the date of service of the

second notice, for the purpose of delivering the marriage schedule to the registrar to enable him to register the marriage.