
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Marriage (Northern Ireland) Order 2003

Preliminaries to marriage

Notice of intention to marry

3.—(1) Each of the parties to a marriage intended to be solemnised in Northern Ireland shall give the registrar a notice of intention to marry.

(2) In this Order—

“marriage notice” means notice of intention to marry;

“registrar” means the registrar for the district in which the marriage is to take place.

(3) A marriage notice shall be—

(a) in the prescribed form; and

(b) accompanied by the prescribed fee and such documents and other information as may be prescribed.

(4) In prescribed cases a marriage notice shall be given by each party—

(a) in person;

(b) to either the registrar referred to in paragraph (2) or such other registrar as may be prescribed.

Marriage notice book and list of intended marriages

4.—(1) The registrar shall keep a record of—

(a) such particulars as may be prescribed, taken from each marriage notice received by him; and

(b) the date on which each marriage notice is received by him.

(2) In this Order “marriage notice book” means the record kept under paragraph (1).

(3) The registrar shall, in accordance with any guidance issued by the Registrar General, place on public display a list containing in relation to each intended marriage in respect of which the registrar has received a marriage notice—

(a) the names of the parties, and

(b) the date of the intended marriage.

(4) As soon as practicable after the date of an intended marriage the registrar shall remove from the list the names and the date relating to it.

(5) Any person claiming that he may have reason to make an objection to an intended marriage may inspect any entry relating to the marriage in the marriage notice book without charge.

Power to require evidence

5.—(1) A registrar to whom a marriage notice is given may require the person giving the notice to provide him with specified evidence relating to each of the persons to be married.

(2) Such a requirement may be imposed at any time on or after the giving of the marriage notice but before the registrar issues the marriage schedule under Article 7.

(3) In paragraph (1) “specified evidence”, in relation to a person, means such evidence of that person's—

- (a) name and surname;
- (b) age;
- (c) marital status; and
- (d) nationality,

as may be specified in guidance issued by the Registrar General.

Objections

6.—(1) Any person may at any time before the solemnisation of a marriage in Northern Ireland make an objection in writing to the registrar.

(2) If the registrar is satisfied that the objection relates to no more than a misdescription or inaccuracy in the marriage notice, he shall—

- (a) notify the parties to the intended marriage;
- (b) make such inquiries as he thinks fit; and
- (c) subject to the approval of the Registrar General, make any necessary correction to any document relating to the marriage.

(3) In any other case the registrar shall—

- (a) notify the Registrar General of the objection;
- (b) pending consideration of the objection by the Registrar General, suspend the issue of the marriage schedule (if it has not been issued);
- (c) in the case of a religious marriage, if the marriage schedule has already been issued and it is practicable to do so—
 - (i) notify the officiant of the objection, and
 - (ii) advise the officiant not to solemnise the marriage pending consideration of the objection by the Registrar General.

(4) If the Registrar General is satisfied that there is a legal impediment to the marriage, he shall direct the registrar to—

- (a) notify the parties; and
- (b) take all reasonable steps to ensure that the marriage does not take place.

(5) If paragraph (4) does not apply, the Registrar General shall direct the registrar to proceed under Article 7.

(6) For the purposes of this Article and Article 7 there is a legal impediment to a marriage if—

- (a) that marriage would be void by virtue of Article 18 of the [Family Law \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1984 \(NI 14\)](#) (prohibited degrees of relationship);
- (b) one of the parties is, or both are, already married;
- (c) one or both of the parties will be under the age of 16 on the date of solemnisation of the intended marriage;

(d) one or both of the parties is or are incapable of understanding the nature of a marriage ceremony or of consenting to marriage; or

(e) both parties are of the same sex.

(7) An objection on the ground mentioned in paragraph (6)(d) shall be accompanied by a supporting certificate signed by a medical practitioner.

(8) A person who has submitted an objection may withdraw it at any time, but the Registrar General may have regard to an objection which has been withdrawn.

Marriage schedule

7.—(1) After the registrar receives a marriage notice from both of the parties to an intended marriage, he shall complete a marriage schedule in the prescribed form if he is satisfied that there is no legal impediment to the marriage or the Registrar General has directed him under Article 6(5) to proceed under this Article.

(2) In the case of a religious marriage, the marriage schedule completed in accordance with paragraph (1) shall be issued by the registrar—

(a) at his office;

(b) during such period as may be prescribed; and

(c) to one or both of the parties to the intended marriage.

(3) Subject to paragraphs (4) to (6), a religious marriage may be solemnised only on the date, by the officiant and at the place specified in the marriage schedule.

(4) Paragraph (3) shall not impose any obligation on an officiant to solemnise a marriage.

(5) In prescribed circumstances a religious marriage may be solemnised by an officiant other than the officiant specified in the marriage schedule.

(6) Regulations may make provision for any case in which for any reason a marriage cannot be solemnised in accordance with the marriage schedule.

Marriage outside the United Kingdom where party resides in Northern Ireland

8.—(1) Where a person residing in Northern Ireland—

(a) is a party to a marriage intended to be solemnised in any country or territory outside the United Kingdom; and

(b) for the purpose of complying with the law in force in that country or territory, is required to obtain a certificate in respect of his legal capacity to marry from a competent authority in Northern Ireland,

he may give the registrar a marriage notice and Article 3(3) and (4) and Articles 4 and 5 shall apply accordingly as if it were intended that the marriage should be solemnised in the district in which he resides.

(2) In this Article “registrar” means the registrar for the district in which the person resides.

(3) If the registrar is satisfied that the person is not subject to any legal incapacity under the law of Northern Ireland which would prevent his marrying, the registrar shall issue to him a certificate in the prescribed form that he is not known to be subject to any such incapacity.

(4) The registrar shall not issue a certificate before the expiration of such period from the date recorded under Article 4(1)(b) (date of receipt of marriage notice) as may be prescribed.

(5) Any person may, at any time before the issue of a certificate under paragraph (3), make an objection in writing to the registrar.

(6) The registrar shall take into account any objection under paragraph (5) in deciding whether to issue a certificate under paragraph (3).