
STATUTORY INSTRUMENTS

2020 No. 742

**The Marriage and Civil Partnership
(Northern Ireland) Regulations 2020**

PART 3

Protection from Compulsion

Religious marriages of same-sex couples: protection from compulsion

11. After Article 17 of the Marriage Order (but before the heading “Civil marriages”) insert—

“Marriages of same-sex couples: protection from compulsion

17A.—(1) A person may not be compelled to take any action in relation to the person—

- (a) becoming registered under Article 11 as empowered to solemnise marriages between parties of the same sex,
- (b) becoming authorised under Article 14(1)(a) to solemnise one or more particular marriages between parties of the same sex, or
- (c) becoming authorised under Article 14(1)(b) to solemnise marriages between parties of the same sex during a particular period,

where the reason for not taking the action is that the marriages concerned would be between parties of the same sex.

(2) A person may not be compelled to refrain from requesting cancellation, under Article 12(1)(a) or (b), of a person’s registration under Article 11 for marriages of parties who are of the same sex.

(3) A religious body’s governing authority may not be compelled to give, or to refrain from withdrawing, consent for the purposes of Article 10 or 14 where the reason for not giving consent, or for withdrawing consent, is that the marriages concerned would be between parties who are of the same sex.

(4) A religious body, or a person acting on behalf of or under the auspices of a religious body, may not be compelled—

- (a) to apply under Article 10 for a member of the body to be registered under Article 11 as empowered to solemnise marriages of parties who are of the same sex,
- (b) to allow religious premises to be used as the place at which a marriage is solemnised between parties who are of the same sex,
- (c) to solemnise a marriage between parties who are of the same sex,
- (d) to facilitate, arrange, participate in or be present at the solemnisation of a marriage between parties who are of the same sex,

- (e) to allow religious premises to be used as the place at which a ceremony or event is held to mark the solemnisation of a marriage between parties who are of the same sex, or
- (f) to provide, facilitate, arrange, participate in or be present at a ceremony or event to mark the solemnisation of a marriage between parties who are of the same sex, where the reason for not doing that thing is that the marriage concerned would be, or is, between parties who are of the same sex.

(5) For the purposes of paragraph (4)(b) to (f) “person acting on behalf of or under the auspices of a religious body” includes any person registered under Article 11 or temporarily authorised under Article 14.

(6) In this Article—

“compelled” means compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement);

“religious premises” means premises which—

- (a) are owned, or controlled, by a religious body or a person acting on behalf of or under the auspices of a religious body, and
- (b) are not premises where the sole or main purpose for which they are used is commercial.”.

Ceremonies and events to mark civil partnerships: protection from compulsion

12. In the Civil Partnership Act 2004(1), in Part 4 (civil partnership: Northern Ireland), after section 204 insert—

“Ceremonies and events to mark civil partnerships: protection from compulsion

204A.—(1) A religious body, or a person acting on behalf of or under the auspices of a religious body, may not be compelled—

- (a) to provide, arrange or facilitate a ceremony or event to mark the formation of a civil partnership,
- (b) to allow religious premises to be used as the place at which such a ceremony or event is held, or
- (c) to participate in, or be present at, such a ceremony or event,

where the reason for not doing that thing is that the body or person does not wish to do things of that sort in relation to civil partnerships generally, in relation to civil partnerships between parties who are of the same sex or in relation to civil partnerships between parties who are not of the same sex.

(2) In this section—

“compelled” means compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement);

“religious body” means an organised group of people meeting regularly for common religious worship;

“religious premises” means premises which—

- (a) are owned, or controlled, by a religious body or a person acting on behalf of or under the auspices of a religious body, and

- (b) are not premises where the sole or main purpose for which they are used is commercial.”.

Armed forces marriages overseas: protection from compulsion

13.—(1) Section 2(1) to (4) of the Marriage (Same Sex Couples) Act 2013⁽²⁾, so far as relating to Orders in Council under Part 3 of Schedule 6 to that Act (armed forces marriages overseas), extends also to Northern Ireland.

(2) Accordingly, in section 20 of that Act (extent), in subsection (3) (provisions which extend to Northern Ireland), before paragraph (a) insert—

- “(za) in Part 1, section 2(1) to (4) so far as relating to Orders in Council under Part 3 of Schedule 6;”.