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*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: The Marriage (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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

## The Marriage (Northern Ireland) Order 2003

- - - - - 27th February 2003

### Modifications etc. (not altering text)

- C1** Order modified (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **15(1)**

### *Introductory*

#### **Title and commencement**

1.—(1) This Order may be cited as the Marriage (Northern Ireland) Order 2003.

(2) Subject to paragraph (3), this Order shall come into operation on such day or days as the Department may by order appoint<sup>F1</sup>.

(3) This Article and Article 2 shall come into operation on the expiration of one month from the day on which this Order is made.

**F1** fully exercised by SR 2003/466

#### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

[<sup>F2</sup>“2014 Act” means the Immigration Act 2014;]

“civil marriage” means a marriage solemnised by a person appointed under Article 31;

“the Department” means the Department of Finance and Personnel;

“district” means a registration district within the meaning of Article 30(1);

[<sup>F3</sup>“governing authority”, in relation to a religious body, has the meaning given by Article 9A;]

“marriage notice” has the meaning given by Article 3(2);

“marriage notice book” has the meaning given by Article 4(2);

“medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (c. 54);

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“officiant” means a person registered under Article 11 or temporarily authorised under Article 14;

“prescribed”, except in relation to a fee, means prescribed by regulations and in relation to a fee means prescribed by order under Article 37;

“registrar”, except in Article 8, has the meaning given by Article 3(2);

“regulations” means [<sup>F4</sup>, other than in Articles 3A to 3E,] regulations made by the Department;

[<sup>F5</sup>“relevant national” means—

(a) a British citizen,

(aa) [<sup>F6</sup>an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or

(ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;]

(b) <sup>F7</sup> ...

(c) <sup>F7</sup> ...]

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

“religious marriage” means a marriage solemnised by an officiant;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“young person” means a person who is over the age of 16 but under the age of 18.

(3) Regulations may provide for references in this Order to a person solemnising a marriage to be construed in prescribed cases as such person as may be prescribed.

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|-----------|--|
| <b>F2</b> | Words in art. 2(2) inserted (1.3.2015) by <a href="#">The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395)</a> , art. 1(2), <b>Sch. 1 para. 2(a)</b> (with art. 1(3))  |
| <b>F3</b> | Words in art. 2(2) inserted (1.9.2020) by <a href="#">The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 (S.I. 2020/742)</a> , regs. 1(2), <b>4(2)</b>   |
| <b>F4</b> | Words in art. 2(2) inserted (1.3.2015) by <a href="#">The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395)</a> , art. 1(2), <b>Sch. 1 para. 2(b)</b> (with art. 1(3))  |
| <b>F5</b> | Words in art. 2(2) inserted (1.3.2015) by <a href="#">The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395)</a> , art. 1(2), <b>Sch. 1 para. 2(c)</b> (with art. 1(3))  |
| <b>F6</b> | Words in art. 2(2) inserted (1.7.2021) by <a href="#">The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309)</a> , regs. 1(2)(c), <b>14(2)(a)</b> (with Sch. 5 para. 7)          |
| <b>F7</b> | Words in art. 2(2) omitted (1.7.2021) by virtue of <a href="#">The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309)</a> , regs. 1(2)(c), <b>14(2)(b)</b> (with Sch. 5 para. 7) |

## *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.

### **[<sup>F8</sup>Additional information if party not relevant national**

**3A.—**(1) This Article applies to a marriage notice given to a registrar in accordance with Article 3 if one, or each, of the parties to the proposed marriage is not a relevant national.

(2) For each party to the proposed marriage who is not a relevant national, the notice shall be accompanied by whichever of statements A, B or C is applicable to that person.

(3) Statement A is a statement that the person has the appropriate immigration status.

(4) Statement B is a statement that the person holds a relevant visa in respect of the proposed marriage.

(5) Statement C is a statement that the person neither—

(a) has the appropriate immigration status, nor

(b) holds a relevant visa in respect of the proposed marriage.

(6) If the notice is accompanied by the statement referred to in the first column of an entry in this table, the notice shall also be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

<i>If the notice is accompanied by this statement...</i>	<i>...the notice shall also be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed marriage)	1. For each party, a specified photograph of that party  2. For each party in respect of whom statement B is made, details of the relevant visa which that party has

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<i>If the notice is accompanied by this statement....</i>	<i>...the notice shall also be accompanied by....</i>
Statement C (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none"> <li>1. For each party, a specified photograph of that party</li> <li>2. For each party, the usual address of that party</li> <li>3. For each party who has previously used any name or names other than the person's name stated in the marriage notice, a statement of the other name or names</li> <li>4. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases.</li> </ol>

(7) If the notice is accompanied by more than one of statements A, B and C, paragraph (6) shall be complied with in relation to each of those statements; but where the notice is accompanied by statements B and C, paragraph (6) does not require the notice to be accompanied by more than one specified photograph of each party.

(8) If the notice is accompanied by statement C for a party to the proposed marriage—

- (a) the notice may also be accompanied by a statement (“statement D”) of that person's immigration position in the United Kingdom;
- (b) if the notice is accompanied by statement D for a party to the proposed marriage, the person may provide the registrar with details of his immigration position in the United Kingdom; and
- (c) if any such details are provided, the registrar shall record them.

(9) In this Article and Article 3B—

- (a) a reference—
  - (i) to a person having the appropriate immigration status, or
  - (ii) to a person holding a relevant visa,

is to be construed in accordance with section 49 of the 2014 Act;

- (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
- (c) a reference to a person's immigration position in the United Kingdom includes a reference to the person's not being entitled to be in the United Kingdom.

(10) In this Article “specified photograph” means a photograph that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act (and for this purpose “photograph” includes other kinds of images).

**F8** Arts. 3A-3E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 1 para. 3](#) (with art. 1(3))

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**Modifications etc. (not altering text)**

- C2** Art. 3A(9) applied (2.3.2015) by [The Sham Marriage and Civil Partnership \(Scotland and Northern Ireland\) \(Administrative\) Regulations 2015 \(S.I. 2015/404\)](#), regs. 1(2), **18(4)(a)**

**Additional evidence if party not relevant national**

**3B.**—(1) If a marriage notice to which Article 3A(1) applies (“the notice”) is accompanied by statement A (referred to in Article 3A(3)), and accordingly is also accompanied by details of the particular immigration status which a party to the proposed marriage has, the notice shall also be accompanied by specified evidence of that status.

(2) If the notice is accompanied by statement B (referred to in Article 3A(4)), the notice shall also be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed marriage.

(3) If, in accordance with Article 3A(6), the notice is accompanied by the usual address of a party to the proposed marriage, the notice shall also be accompanied by specified evidence that it is that party’s usual address.

(4) If the notice is accompanied by statement D (referred to in Article 3A(8)), the notice may also be accompanied by evidence of the person’s immigration position in the United Kingdom.

(5) If paragraph (1) or (2) applies to the notice, and the notice is not accompanied by the specified evidence required by that paragraph, the notice shall be accompanied by—

- (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in Article 3A(6);
- (b) as respects the usual address of each party that is provided in accordance with subparagraph (a), specified evidence that the address provided is that party’s usual address; and
- (c) names and aliases of the kinds referred to in paragraphs 3 and 4 in the relevant entry in Article 3A(6) (insofar as those paragraphs are applicable to the parties to the proposed marriage).

(6) In this Article—

“relevant entry in Article 3A(6)” means the second column of the last entry in the table in Article 3A(6);

“specified evidence” means evidence that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act.

- F8** Arts. 3A-3E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), **Sch. 1 para. 3** (with art. 1(3))

**Declaration to accompany information and evidence**

**3C.** Where information and evidence accompany the marriage notice in accordance with Articles 3A and 3B that information and evidence shall also be accompanied by a declaration in writing and signed by the party who makes it that the party believes all of the information and evidence accompanying the notice to be true.

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**F8** Arts. 3A-3E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 1 para. 3](#) (with art. 1(3))

### Rejection of false information or evidence

**3D.**—(1) A registrar may reject—

- (a) any information or photograph provided under Article 3A or 3B,
- (b) any evidence provided under Article 3B, or
- (c) any evidence relating to a party’s nationality provided in accordance with Article 5,

if (in particular) the registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.

(2) If the registrar rejects any information, photograph or evidence, the registrar may proceed under this Order as if the rejected information, photograph or evidence had not been provided.

(3) This Article does not limit the powers of registrars to reject anything provided under any other statutory provision.

**F8** Arts. 3A-3E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 1 para. 3](#) (with art. 1(3))

### Referral of proposed marriage to Secretary of State

**3E.**—(1) On every occasion when a marriage notice is given under Article 3(1), a registrar shall decide whether or not each of the parties to the proposed marriage is an exempt person.

(2) In making a decision under paragraph (1) about a party to a proposed marriage, a registrar may rely on any advice given in relation to that decision by the Secretary of State.

(3) In a case where—

- (a) Article 3A applies to the marriage notice, and
- (b) specified evidence required by Article 3B(1) or (2) in relation to a party to the proposed marriage is not produced in accordance with that Article,

the registrar shall decide that that party to the proposed marriage is not an exempt person.

(4) If the registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the registrar shall—

- (a) refer the proposed marriage to the Secretary of State;
- (b) notify the parties to the proposed marriage that the proposed marriage must be referred to the Secretary of State;
- (c) give the parties to the proposed marriage prescribed information about—
  - (i) the effects of the referral;
  - (ii) the requirement under regulations to notify the Secretary of State of changes of address.

(5) The registrar shall act in accordance with regulations when complying with the duty in paragraph (4)(a) to refer a proposed marriage to the Secretary of State.

(6) If the registrar refers the proposed marriage to the Secretary of State, this Order has effect in relation to the proposed marriage subject to the modifications in Schedule 2.

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(7) In this Article—

- (a) a reference to a person being an exempt person has the same meaning as in section 49 of the 2014 Act;
- (b) “prescribed information” means information prescribed in regulations;
- (c) “regulations” means regulations made by the Secretary of State under section 54(2) of, and Schedule 5 to, the 2014 Act.]

**F8** Arts. 3A-3E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 1 para. 3](#) (with art. 1(3))

### 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).

[<sup>F9</sup>(2A) But the registrar shall not enter the particulars relating to a marriage in the marriage notice book in a case where any of the following requirements is applicable but not complied with—

- (a) a requirement imposed by or under any of the following provisions of this Order—
  - (i) Article 3A(2) to (7);
  - (ii) Article 3B(3);
  - (iii) Article 3B(5);
  - (iv) Article 5 so far as that requirement relates to nationality;
- (b) the requirement imposed by section 23(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

(2B) Where the registrar may not enter the particulars relating to a marriage in the marriage notice book as mentioned in paragraph (2A) the parties are to be taken not to have given notice under Article 3(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.

**F9** Art. 4(2A)(2B) inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 1 para. 5\(1\)](#) (with art. 1(3))

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## 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<sup>[F10]</sup> and civil partnership] status; and
- (d) nationality,

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

<sup>[F10]</sup>(4) In paragraph (3)(c), “marital and civil partnership status”, in relation to a person, means whether that person has previously formed a marriage or a civil partnership, and if so, whether that marriage or civil partnership has ended.]

**F10** 2004 c. 33

## 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—



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- (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<sup>[F11]</sup> or a civil partner];
- (c) one or both of the parties will be under the age of 16 on the date of solemnisation of the intended marriage; <sup>[F12]</sup>or]
- (d) one or both of the parties is or are incapable of understanding the nature of a marriage ceremony or of consenting to marriage; <sup>F13</sup>...

<sup>F13</sup>(e) .....

(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.

<b>F11</b>	2004 c. 33
<b>F12</b>	Word in art. 6(6) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>3(1)(b)</b> (with regs. 6-9)
<b>F13</b>	Art. 6(6)(e) and word omitted (13.1.2020) by virtue of <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>3(1)(a)</b> (with regs. 6-9)

### 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 <sup>[F14]</sup>(7) , 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.

<sup>[F15]</sup>(7) Paragraph (3), and regulations under paragraph (5) or (6), have effect subject to Article 15(3) to (5).]

<b>F14</b>	Word in art. 7(3) substituted (1.9.2020) by <a href="#">The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 (S.I. 2020/742)</a> , regs. 1(2), <b>9(3)(a)</b>
<b>F15</b>	Art. 7(7) inserted (1.9.2020) by <a href="#">The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 (S.I. 2020/742)</a> , regs. 1(2), <b>9(3)(b)</b>

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## [<sup>F16</sup>Marriage notice: false information or evidence

**7A.—(1)** A registrar may refuse to complete a marriage schedule under Article 7 (or where one has already been completed, may cancel it) in a case where—

- (a) a marriage notice has been given under Article 3(1), and
- (b) the registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence in or accompanying that notice.

(2) If the registrar refuses to complete (or cancels) a marriage schedule under paragraph (1), the parties to the proposed marriage are to be taken not to have given notice under Article 3(1); but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of notice.

(3) This Article does not limit any other power of the registrar to refuse to complete (or, as the case may be, cancel) a marriage schedule.

(4) In the case of a religious marriage, if the marriage schedule has already been issued, and it is practicable to do so, the registrar shall—

- (a) notify the officiant that the marriage schedule has been cancelled, and
- (b) advise the officiant not to solemnise the marriage.

(5) In this Article—

“evidence” includes a photograph or other image;

“exempt person” has the same meaning as in Article 3E;

“relevant decision” means a decision of a registrar that a party to the proposed marriage is an exempt person.]

**F16** Art. 7A inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 1 para. 6\(1\)](#) (with art. 1(3))

## 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).

*Persons who may solemnise marriages*

**Persons who may solemnise marriages**

9. A marriage may be solemnised only by—

- (a) an officiant; or
- (b) a person appointed under Article 31.

<sup>F17</sup>

.....

**F17** Words in art. 9 omitted (1.9.2020) by virtue of [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **3(1)**

*Religious marriages*

**[<sup>F18</sup>Governing authority of a religious body**

9A.—(1) In this Order “governing authority”—

- (a) in relation to a religious body listed in paragraph (2), has the meaning given by that paragraph, and
- (b) in relation to any other religious body, means the person recognised by members of the body as competent for the purpose of giving consent, in respect of members of the body, for the purposes of Articles 10 and 14.

(2) The list is as follows—

- (a) in relation to the Presbyterian Church in Ireland, and any presbytery or congregation or other part or constituent body of that Church, the governing authority is the General Assembly of that Church;
- (b) in relation to the Church of Ireland, and any diocese or congregation or other part or constituent body of that Church, the governing authority is the General Synod of that Church;
- (c) in relation to the Methodist Church in Ireland, and any district or circuit or congregation or other part or constituent body of that Church, the governing authority is the Conference of that Church;
- (d) in relation to the Roman Catholic Church, and any part or constituent body of that Church, the governing authority is the Bishop, or the Apostolic or Diocesan Administrator, of a Roman Catholic diocese in Northern Ireland (wholly or partly).

(3) Regulations may amend this Article for the purpose of adding entries to or removing entries from, or altering entries in, the list in paragraph (2) as it has effect from time to time.]

**F18** Art. 9A inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **4(3)**

*Status: Point in time view as at 01/04/2022.*

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### **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.

[<sup>F19</sup>(1A) The application must state whether it is for the member named in it to be registered under Article 11—

- (a) for marriages of parties who are not of the same sex,
- (b) for marriages of parties who are of the same sex, or
- (c) for both those descriptions of marriages.

(1B) Where—

- (a) the statement is as mentioned in paragraph (1A)(a), and the named member is already registered under Article 11 for marriages of parties who are of the same sex,
- (b) the statement is as mentioned in paragraph (1A)(b), and the named member is already registered under Article 11 for marriages of parties who are not of the same sex, or
- (c) the statement is as mentioned in paragraph (1A)(c), and the named member is already registered under Article 11 but only for marriages of one of the two descriptions,

the application operates as an application for registration additionally for marriages of the description for which the named member is not already registered.

(1C) Where the application is for the named member to be registered for marriages of parties who are of the same sex (whether or not it is only for marriages of that description), the Registrar General must refuse to register the named member under Article 11 for marriages of parties of the same sex unless the Registrar General—

- (a) has received written notice of the consent of the body’s governing authority to the member solemnising marriages of parties who are of the same sex, and
- (b) has not received written notice of withdrawal of that consent.

(1D) Consent for the purposes of paragraph (1C)(a), or its withdrawal, may be—

- (a) for solemnisations by persons who are, or who from time to time are, of a particular description, or
- (b) for solemnisations by a person or persons identified by name.]

(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) <sup>F20</sup>...or

(c) the person named in the application is not a fit and proper person to solemnise a marriage.

[<sup>F21</sup>(2A) The Registrar General must refuse to register a member of a religious body under Article 11 for marriages of parties who are not of the same sex if the Registrar General considers that the marriage ceremony used by that body for marriages of that description does not include, or is inconsistent with, an appropriate declaration.

(2B) The Registrar General must refuse to register a member of a religious body under Article 11 for marriages of parties who are of the same sex if the Registrar General considers that the marriage ceremony used by that body for marriages of that description does not include, or is inconsistent with, an appropriate declaration.]

(3) In paragraph [<sup>F22</sup>(2A)] an “appropriate declaration” means a declaration by the parties, in the presence of—

- (a) each other;

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

that they accept each other as husband and wife.

[<sup>F23</sup>(3A) In paragraph (2B) 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 husband *or* as wife 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.

- F19** Art. 10(1A)-(1D) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **5(2)**
- F20** Art. 10(2)(b) omitted (1.9.2020) by virtue of [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **6(2)**
- F21** Art. 10(2A)(2B) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **6(3)**
- F22** Word in art. 10(3) substituted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **6(4)**
- F23** Art. 10(3A) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **6(5)**

## 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 [<sup>F24</sup>paragraphs (1C) and] (2) of that Article.

[<sup>F25</sup>(3A) The registration of a person under this Article must indicate—

- (a) whether the person is, or is not, registered for marriages of parties who are not of the same sex;
- (b) whether the person is, or is not, registered for marriages of parties who are of the same sex.

(3B) Where a person is registered under this Article immediately before 1st September 2020, that registration has effect on and after that day as a registration for marriages of parties who are not of the same sex (but subject to Article 12).]

(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

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(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.

- F24** Words in art. 11(3) substituted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **5(3)**
- F25** Art. 11(3A)(3B) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **5(4)**

### 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 [<sup>F26</sup>for marriages of parties who are not of the same sex] no longer contains an appropriate declaration within the meaning of Article 10(3);
- [<sup>F27</sup>(ca) that the marriage ceremony used by that body for marriages of parties who are of the same sex no longer contains an appropriate declaration within the meaning of Article 10(3A);] 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.

[<sup>F28</sup>(4) Where a person is registered under Article 11—

- (a) for marriages of parties who are not of the same sex, and
- (b) for marriages of parties who are of the same sex,

cancellation on the ground mentioned in paragraph (1)(a), (b), (c), (ca) or (d)(iv) may be of the person's registration for one only of those descriptions of marriages.]

- F26** Words in art. 12(1)(c) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **7(2)(a)**
- F27** Art. 12(1)(ca) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **7(2)(b)**
- F28** Art. 12(4) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **7(3)**

## 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.

[<sup>F29</sup>(2A) But there is no right of appeal—

- (a) under paragraph (1)(b) where the refusal is under Article 10(1C); or
- (b) under paragraph (2) in relation to so much of the cancellation as relates to marriages of parties who are of the same sex if—
  - (i) the cancellation in relation to marriages of that description is on the ground mentioned in Article 12(1)(a) or (b), and
  - (ii) the Registrar General has received written notice of the withdrawal of the consent of the body's governing authority to the person solemnising marriages of parties who are of the same sex.]

(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.

**F29** Art. 13(2A) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), 7(4)

## 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.

[<sup>F30</sup>(1A) The Registrar General must not under paragraph (1) authorise a member of a religious body to solemnise marriages of parties who are of the same sex unless the Registrar General—

- (a) has received written notice of the consent of the body's governing authority to the member solemnising marriages of parties who are of the same sex, and
- (b) has not received written notice of withdrawal of that consent.]

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

[<sup>F31</sup>(2A) An authorisation under paragraph (1)(b) must state whether it is—

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- (a) for marriages of parties who are not of the same sex,
- (b) for marriages of parties who are of the same sex, or
- (c) for both those descriptions of marriages.

(2B) Where—

- (a) an authorisation under paragraph (1)(b) is granted before 1st September 2020, and
- (b) the specified period includes the whole or part of 1st September 2020 or of any later day,

then, for so much of the specified period as is on or after 1st September 2020, the authorisation has effect as an authorisation only for marriages of parties who are not of the same sex.

(2C) Where an authorisation under paragraph (1)(a) is granted before 1st September 2020 and a marriage covered by the authorisation has not been solemnised before that day then, on and after that day, the authorisation has effect in relation to the marriage only if, immediately before the marriage, the parties are not of the same sex.

(2D) Consent for the purposes of paragraph (1A)(a), or its withdrawal, may be—

- (a) for solemnisations by persons who are, or who from time to time are, of a particular description, or
- (b) for solemnisations by a person or persons identified by name.]

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

**F30** Art. 14(1A) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **8(2)**

**F31** Art. 14(2A)-(2D) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **8(3)**

### **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) [<sup>F32</sup>or (as the case may be) Article 10(3A) ].

[<sup>F33</sup>(3) A person registered under Article 11—

- (a) must not solemnise a marriage of parties who are not of the same sex unless registered under Article 11 for marriages of parties who are not of the same sex, and
- (b) must not solemnise a marriage of parties who are of the same sex unless registered under Article 11 for marriages of parties who are of the same sex.

(4) A person authorised under Article 14(1)(a) must not solemnise a marriage unless the marriage is specified in the authorisation.

(5) A person authorised under Article 14(1)(b)—



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- (a) must not solemnise a marriage of parties who are not of the same sex unless authorised under Article 14(1)(b) to solemnise marriages of parties who are not of the same sex, and
- (b) must not solemnise a marriage of parties who are of the same sex unless authorised under Article 14(1)(b) to solemnise marriages of parties who are of the same sex.]

**F32** Words in art. 15(2)(b) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **6(6)**

**F33** Art. 15(3)-(5) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **9(2)**

### **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.

### **[<sup>F34</sup>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,

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- (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.]

**F34** Art. 17A inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **11**

## *Civil marriages*

### **Places at which civil marriages may be solemnised**

**18.**—(1) Subject to paragraphs (5) and (7) a civil marriage shall be solemnised only—

- (a) in a registration office; or
  - (b) in a place approved under paragraph (2).
- (2) A local registration authority may, in accordance with regulations under paragraph (3), approve places where civil marriages may be solemnised in its district.
- (3) The Department may by regulations make provision for or in connection with the approval of places under paragraph (2).
- (4) Regulations under paragraph (3) may in particular include provision as to—
- (a) the kinds of place in respect of which approvals may be granted;
  - (b) the procedure to be followed in relation to applications for approval;
  - (c) the considerations to be taken into account in determining whether to approve any places;
  - (d) the duration and renewal of approvals (whether for one occasion or for a period);
  - (e) the conditions that shall or may be imposed on granting or renewing an approval;
  - (f) the determination and charging of fees in respect of—
    - (i) applications for the approval of places;
    - (ii) the renewal of approvals; and
    - (iii) the attendance by registrars at places approved under the regulations;
  - (g) the circumstances in which a local registration authority shall or may revoke or suspend an approval or vary any of the conditions imposed in relation to an approval;
  - (h) the review of decisions made by virtue of the regulations;
  - (i) appeals to a county court from decisions made by virtue of the regulations;
  - (j) the notification to the Registrar General of all approvals granted, renewed, revoked, suspended or varied;
  - (k) the notification to the registrar for the district in which a place approved under the regulations is situated of all approvals relating to such a place which are granted, renewed, revoked, suspended or varied;
  - (l) the keeping by the Registrar General, registrars and local registration authorities of registers of places approved under the regulations; and
  - (m) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (5) If either of the parties to an intended civil marriage gives the registrar a medical statement, the marriage may, with the approval of the Registrar General, be solemnised at any place where that party is.
- (6) In paragraph (5) “medical statement”, in relation to any person, means a statement made in the prescribed form by a medical practitioner that in his opinion at the time the statement is made—
- (a) by reason of serious illness or serious bodily injury, that person ought not to move or be moved from the place where he is at that time, and
  - (b) it is likely that it will be the case for at least the following three months that by reason of the illness or disability that person ought not to move or be moved from that place.
- (7) If the Registrar General so directs, a registrar shall solemnise a civil marriage in a place specified in the direction.

### **Solemnisation of civil marriage**

**19.—(1)** A person shall not solemnise a civil marriage unless—

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- (a) he has available to him at the time of the ceremony the marriage schedule and the prescribed fee for the marriage has been paid;
  - (b) both parties to the marriage are present; and
  - (c) two persons professing to be 16 or over are present as witnesses.
- (2) A person shall not solemnise a civil marriage except in accordance with a form of ceremony which—
- (a) is of a secular nature; and
  - (b) includes an appropriate declaration.
- (3) In paragraph (2)(b) an “appropriate declaration” means a declaration by the parties, in the presence of—
- (a) each other;
  - (b) the person solemnising the marriage; and
  - (c) two witnesses,
- that they accept each other as husband and wife <sup>F35</sup>or as husband and husband or as wife and wife].

**F35** Words in art. 19(3) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), 4 (with regs. 6-9)

### Registration of civil marriage

**20.**—(1) The following persons shall sign the marriage schedule immediately after the solemnisation of a civil marriage—

- (a) both parties to the marriage;
- (b) both witnesses to the marriage; and
- (c) the person who solemnised it.

(2) The person who solemnised the marriage shall cause it to be registered as soon as practicable after the marriage schedule is signed.

### Second marriage ceremony

**21.**—(1) This paragraph applies where two persons—

- (a) have gone through a marriage ceremony with each other outside the United Kingdom; but
- (b) are not, or are unable to prove that they are, validly married to each other for the purposes of the law of Northern Ireland.

(2) Where paragraph (1) applies, any registrar may, on an application made to him by those persons, solemnise their marriage as if they had not already gone through a marriage ceremony with each other.

(3) A registrar shall not solemnise a marriage under paragraph (2) without the approval of the Registrar General.

(4) Articles 3 to 7 and 18 to 20 shall apply for the purpose of solemnising a marriage under this Article with such modifications as may be prescribed.

## Marriage of person under 18

### Relevant consents required

**22.**—(1) A person shall not solemnise the marriage of a person over the age of 16 but under the age of 18 ( “a young person”) unless the relevant consents have been given or an order has been made under Article 23.

(2) The relevant consents are—

- (a) subject to sub-paragraphs (b) to (d), the consent of—
  - (i) each parent (if any) of the young person who has parental responsibility for him; and
  - (ii) each guardian (if any) of the young person;
- (b) where a residence order is in force with respect to the young person, the consent of the person or persons with whom he lives, or is to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a));
- (c) where a care order is in force with respect to the young person, the consent of the <sup>F36</sup>... [<sup>F37</sup>Health and Social Care trust] designated in the order (in addition to the consents mentioned in sub-paragraph (a));
- (d) where neither sub-paragraph (b) nor sub-paragraph (c) applies but a residence order was in force with respect to the young person immediately before he reached the age of 16, the consent of the person or persons with whom he lived, or was to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a)).

(3) The relevant consents shall be—

- (a) in the prescribed form; and
- (b) produced to the registrar before the issue of the marriage schedule.

(4) In paragraph (2) “care order”, “[<sup>F37</sup>Health and Social Care trust]”, “parental responsibility” and “residence order” have the same meaning as in the Children (Northern Ireland) Order 1995 (NI 2) and in sub-paragraph (a)(ii) of that paragraph the reference to each guardian of the young person is a reference to each person falling within the definition of “guardian of a child” in Article 2(2) of that Order.

(5) Nothing in this Article or Article 23 shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

**F36** Words in art. 22(2)(c) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 195\(2\)](#); S.R. 2022/102, art. 2(b)

**F37** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(c\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

### Order dispensing with relevant consent

**23.**—(1) A county court may make an order dispensing with the consents required by Article 22 in relation to a young person if it is satisfied that the proposed marriage is in the best interests of the young person and either—

- (a) it is not reasonably practicable to obtain the consent of any person whose consent is required; or
- (b) any person whose consent is required withholds or refuses his consent; or
- (c) there is uncertainty as to whose consent is required.

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- (2) An application for an order under this Article may be made—
- (a) by or on behalf of the young person; or
  - (b) by or on behalf of any person (including another young person) intending to marry a young person,

and without the intervention of a next friend.

(3) The decision of the county court on any application made under this Article shall be final and conclusive.

### Recording of consents and orders

- 24.**—(1) Any consent required by Article 22 shall be sent to the registrar.
- (2) Any order made under Article 23, or a certified copy of it, shall be sent to the registrar.
- (3) The registrar shall keep a record of—
- (a) such particulars as may be prescribed, taken from each consent or order received by him; and
  - (b) the date on which each consent or order is received by him.
- (4) The record kept under paragraph (3) shall be kept with the marriage notice book and Article 4(5) shall apply accordingly.

### Miscellaneous

#### Commencement of marriage

**25.** The parties to a marriage solemnised in accordance with this Order shall be taken to be married to each other when both of them have made a declaration in the presence of each other, the person solemnising the marriage and two witnesses that they accept each other as husband and wife <sup>F38</sup>or as husband and husband or as wife and wife] .

**F38** Words in art. 25 inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), 4 (with regs. 6-9)

#### Validity of registered marriage

- 26.**—(1) The validity of a marriage shall not be questioned in any legal proceedings commenced at any time after the particulars of a marriage are registered on the ground of any contravention of a provision of, or made under, this Order.
- (2) Paragraph (1) is without prejudice to Article 38 (offences).
  - (3) Paragraph (1) does not apply unless both parties were present at the marriage ceremony.

#### Corrections and cancellations

- 27.**—(1) Regulations may make provision for the making of corrections by the Registrar General or any registrar.
- (2) The Registrar General shall cancel the registration of a void marriage or direct the registrar to do so.

[<sup>F39</sup>(3) Paragraph (4) applies in relation to a marriage solemnised before, on or after 13th January 2020 where, before the marriage is solemnised, a full gender recognition certificate has been issued under the Gender Recognition Act 2004 to either or each of the parties.

- (4) The Registrar General, after consulting the parties, may—
- (a) modify, or direct a registrar to modify, the recorded status of either or both of the parties in the registration of the marriage, or
  - (b) direct a registrar to modify the way in which the status of either or both of the parties is to be recorded when registering the marriage,

for the purpose of reducing the risk that the recorded status of the parties in the registration of the marriage will disclose the issue of the gender recognition certificate or either of the certificates.]

**F39** Art. 27(3)(4) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **50(1)** (with regs. 6-9)

## Interpreters

**28.**—(1) If the person by whom a marriage is to be solemnised considers it necessary or desirable, he may use the services of an interpreter (not being a party or a witness to the marriage) at the marriage ceremony.

- (2) The interpreter shall—
- (a) before the marriage ceremony, sign a statement that he understands, and is able to converse in, any language in respect of which he is to act as interpreter at that ceremony;
  - (b) immediately after the marriage ceremony, give the person solemnising the marriage a certificate written in English and signed by the interpreter that he has faithfully acted as interpreter at that ceremony.

## Detained persons

**29.**—(1) If—

- (a) one of the parties to an intended marriage is detained in a prison or as a patient in a hospital, and
- (b) the marriage is to take place in that prison or hospital,

the marriage notice given by that party shall be accompanied by a statement to which paragraph (2) applies.

- (2) This paragraph applies to a statement which—
- (a) is made in the prescribed form by the responsible authority not more than 21 days before the date on which the marriage notice is given;
  - (b) identifies the establishment where the person is detained; and
  - (c) states that the responsible authority has no objection to the intended marriage taking place in that establishment.
- (3) In paragraph (2) “responsible authority” means—
- (a) if the person named in the statement is detained in a prison, the governor or other officer in charge of that prison;

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- (b) if the person named in the statement is detained in a hospital or special accommodation, the [<sup>F40</sup>Health and Social Care trust] administering that hospital or the Department of Health, Social Services and Public Safety, respectively;
  - (c) if the person named in the statement is detained in a private hospital, the person in charge of that hospital.
- (4) After the registrar receives a marriage notice accompanied by a statement to which paragraph (2) applies, he shall notify the Registrar General and shall not complete a marriage schedule unless the Registrar General directs him to proceed under Article 7.
- (5) The Registrar General shall direct the registrar under Article 18(7) to solemnise the marriage at the prison or hospital specified in the direction.
- (6) In this Article—
- (a) “prison” includes a remand centre and a young offenders centre; and
  - (b) “hospital”, “patient”, “private hospital” and “special accommodation” have the same meanings as in the Mental Health (Northern Ireland) Order 1986 (NI 4).

**F40** Words in art. 29(3)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 195\(3\)](#); S.R. 2022/102, art. 2(b)

### *Supplementary*

#### **Registration districts and registration authorities**

**30.**—(1) Each local government district shall be a registration district and the district council shall be the local registration authority for the purposes of this Order.

(2) A district council shall, in the exercise of functions conferred on it as a local registration authority—

- (a) act as agent for the Department; and
- (b) act in accordance with such directions as the Department may give to the council.

(3) Any expenditure to be incurred by the district council in the exercise of functions conferred on it as a local registration authority shall be subject to the approval of the Registrar General.

(4) The Department shall retain or, as the case may be, defray in respect of each financial year the amount of the difference between—

- (a) the aggregate of the amounts of salaries, pension provision and other expenses payable by virtue of this Order in respect of any registration district; and
- (b) the aggregate of the amounts received in that registration district under any statutory provision or otherwise by way of fees or other expenses.

#### **Registrars and other staff**

**31.**—(1) A local registration authority shall, with the approval of the Registrar General, appoint—

- (a) a registrar of marriages; and
- (b) one or more deputy registrars of marriages.

(2) A person holding an appointment under paragraph (1) may with the approval of, and shall at the direction of, the Registrar General be removed from his office of registrar or deputy registrar by the local registration authority.

(3) A local registration authority shall, at the direction of the Registrar General, appoint additional persons to solemnise civil marriages and carry out other functions for the purposes of this Order.



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(4) A person shall not be appointed under paragraph (1) or (3) if he is under the age of 21.

(5) Regulations may confer additional functions on a person holding an appointment under paragraph (1).

(6) A person holding an appointment under paragraph (1) shall, in exercising his functions under this Order or any other statutory provision, be subject to such instructions or directions as the Registrar General may give.

### **Registrars' offices**

**32.** A local registration authority shall—

- (a) maintain a suitably equipped register office approved by the Registrar General; and
- (b) comply with such directions as the Registrar General may give as to the custody of records and as to register offices generally.

### **Records and documents to be sent to Registrar General**

**33.** A person shall, in accordance with such directions as the Registrar General may give, send to the Registrar General any record or document relating to marriages if directed by him to do so.

### **Annual report**

**34.—(1)** The Registrar General shall send the Department an annual report of the number of marriages registered during each year, together with such other information as he considers it appropriate to include.

(2) The Department shall lay the report before the Assembly.

### **Searches**

**35.—(1)** The Registrar General shall provide indexes to marriage registration records in his custody for inspection by the public.

(2) A registrar shall provide indexes to marriage registration records in his custody for inspection by the public.

(3) Any person may, on payment of the prescribed fee,—

- (a) search any index mentioned in paragraph (1) or (2); and
- (b) require the Registrar General or, as the case may be, the registrar to give him a document in the prescribed form relating to the registration of a marriage.

(4) The Registrar General shall cause any document given by him under this Article or Article 36 to be stamped with the seal of the General Register Office, of which judicial notice shall be taken.

[<sup>F41</sup>(5) Regulations may make provision for any person to have access, on payment of the prescribed fee, to any information contained in any marriage registration records.

(6) Regulations under paragraph (5) may provide that the relevant period must have expired in relation to the information.

(7) In paragraph (6) “the relevant period” in relation to a marriage means the period of 75 years from the date on which the marriage was solemnised or such other period as may be prescribed.

(8) Regulations under paragraph (5) may provide for the Registrar General—

- (a) to make arrangements with any person for the purpose of providing access to information as mentioned in that paragraph; and

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- (b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).]

**F41** Art. 35(5)-(8) added (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011 \(c. 20\)](#), **ss. 23(1), 34**; [S.R. 2012/406](#), art. 2, Sch.

#### [<sup>F42</sup>Notification of registration

**35A.—(1)** The Registrar General may notify such persons as the Registrar General considers appropriate of the registration of a marriage.

(2) An application may be made in the prescribed form to the Registrar General as to persons to be notified by the Registrar General under paragraph (1) by either party to the marriage.

(3) The prescribed fee shall be payable to the Registrar General by the applicant.

(4) Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.

(5) The power conferred by paragraph (1) may be exercised whether or not an application has been made under paragraph (2).]

**F42** Art. 35A inserted (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011 \(c. 20\)](#), **ss. 24(1), 34**; [S.R. 2012/406](#), art. 2, Sch.

#### Proof of marriage for purposes of certain statutory provisions

**36.—(1)** Where the marriage of a person is required to be proved for the purposes of any prescribed statutory provision, any person—

- (a) on application to the Registrar General; and
- (b) on payment of the prescribed fee,

shall be entitled to a document in the prescribed form relating to the registration of the marriage of that person.

(2) An application under paragraph (1) shall be in such form and accompanied by such particulars as the Registrar General may require.

(3) The Registrar General or any registrar may, on payment of the prescribed fee, issue such information (including a document as mentioned in paragraph (1)) as may be required for the purposes of any prescribed statutory provision.

#### Fees

**37.—(1)** The Department may by order prescribe—

- (a) any fee which is required to be prescribed for the purposes of this Order; and
- (b) fees for such other matters as the Department considers necessary or expedient for the purposes of this Order.

(2) An order shall not be made under this Article unless a draft of the order has been laid before and approved by resolution of the Assembly.

#### Offences

**38.—(1)** Any person who—

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- (a) being a person mentioned in Article 9(a), solemnises a marriage without a marriage schedule in respect of the marriage issued in accordance with this Order, being available to him at the time of the marriage ceremony;
- (b) not being a person mentioned in Article 9(a) or (b), conducts a marriage ceremony in such a way as to lead the parties to the marriage to believe that he is solemnising a valid marriage; or
- (c) being a person mentioned in Article 9(a) or (b), solemnises a marriage without both parties to the marriage being present,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

(2) Any person who—

- (a) being authorised under Article 14(1), solemnises a marriage otherwise than in accordance with his authorisation;
- (b) solemnises a marriage in contravention of Article 15(2);
- (c) being a party to a marriage, fails to comply with a notice served under Article 17(2); or
- (d) contravenes Article 12(3), 22 or 33,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (limitation of time for taking proceedings), proceedings for an offence under this Order may be instituted at any time within three years after the commission of the offence.

## **Regulations**

**39.**—(1) Regulations under this Order shall be subject to negative resolution.

(2) For the purposes of this Order, regulations may make such supplementary, transitional or consequential provision, or such savings, as the Department considers necessary or expedient.

*Article 40—Repeals*

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## Schedule—Repeals

### [F43] SCHEDULE 2

Article 3E(6)

#### Modifications if proposed marriage referred under Article 3E

**F43** Sch. 2 inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), **Sch. 1 para. 4** (with art. 1(3))

#### Introduction

1.—(1) These are the modifications subject to which this Order has effect if the registrar refers a proposed marriage to the Secretary of State.

(2) In this Schedule “referred marriage” means the proposed marriage referred to the Secretary of State.

#### No marriage schedule to be completed until decision about investigation etc

2.—(1) The duty under Article 7(1) to complete a marriage schedule in respect of the referred marriage does not apply unless and until one of the following events occurs.

(2) Event 1 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice, and
- (b) that notice is of a decision not to investigate whether the referred marriage is a sham.

(3) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the registrar the section 48 notice.

(4) Event 3 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State gives the registrar the section 50 notice, and
- (d) that notice is of a decision that both of the parties to the referred marriage have complied with the investigation.

(5) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the registrar the section 50 notice.

(6) Event 5 occurs if the Secretary of State gives the registrar notice that the duty under Article 7 is applicable.

(7) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State has given the registrar the section 50 notice, and

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- (d) that notice is of a decision that one or both of the parties to the referred marriage have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the completion of the marriage schedule.
- (9) This paragraph is subject to paragraphs 3, 4 and 5.
- (10) In this paragraph—
  - “70 day period” has the same meaning as in section 50(11) of the 2014 Act;
  - “relevant statutory period” has the same meaning as in section 62 of the 2014 Act;
  - “section 48 notice” means notice under section 48(8A) of the 2014 Act;
  - “section 50 notice” means notice under section 50(7) of the 2014 Act.

### **Marriage to be investigated: no marriage schedule to be completed until expiry of 70 day period**

3.—(1) The modifications in this paragraph have effect if the Secretary of State gives the registrar notice under section 48(8A) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

- (2) Article 7 has effect as if—
  - (a) in paragraph (1), after “intended marriage” there were inserted “but not before the expiry of the relevant 70 day period,”; and
  - (b) after paragraph (6) there were inserted—
    - “(7) In this Article “relevant 70 day period” means the period—
      - (a) beginning the day on which the record relating to the marriage is made in the marriage notice book, and
      - (b) ending at the end of the period of 70 days beginning with that day.”
- (3) This paragraph is subject to paragraphs 4 and 5.

### **Requests to complete the marriage schedule before expiry of 70 day period**

4.—(1) This paragraph applies if the Secretary of State gives the registrar notice under section 48(8A) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

- (2) A party to the referred marriage may request the registrar to complete the marriage schedule before the expiry of the relevant 70 day period.
- (3) That request shall—
  - (a) be in writing, and
  - (b) give the reasons why it is necessary for the marriage schedule to be completed before the expiry of the relevant 70 day period.
- (4) A registrar may not complete the marriage schedule before the expiry of the relevant 70 day period unless authorised to do so by the Registrar General.
- (5) The Registrar General may, with the consent of the Secretary of State, authorise the registrar to complete the marriage schedule on such date as the Registrar General considers necessary before the expiry of the relevant 70 day period.
- (6) But the Secretary of State’s consent is not required if the request is made because a party to the referred marriage is gravely ill and not expected to recover.
- (7) In this paragraph and paragraph 5 “relevant 70 day period” has the same meaning as in Article 7 (as modified by paragraph 3).

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## Effect of reducing statutory period

5.—(1) Where—

(a) the Registrar General has authorised—

(i) the reduction of the notice period for service of the marriage notice under regulation 3(2) of the Marriage Regulations (Northern Ireland) 2003, or

(ii) the registrar to complete a marriage schedule before the expiry of the relevant 70 day period in accordance with paragraph 4; and

(b) the authorisation under sub-paragraph (i) or, as the case may be, (ii) of paragraph (a) is given at a time when the duty under Article 7(1) to complete a marriage schedule in respect of the referred marriage has not arisen in accordance with paragraph 2 or 3,

the duty under Article 7(1) to complete the marriage schedule arises on the giving of the authorisation, subject to any other requirements applicable to the completion of the schedule (and in the case of an authorisation mentioned in paragraph (a)(i), any other requirements applicable to the giving of notice) being met.

(2) But the requirements of paragraph 2 are not applicable in such a case.

(3) The Secretary of State is not prevented from deciding to conduct, conducting or continuing, an investigation if a marriage schedule is completed as mentioned in sub-paragraph (1).

(4) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.

(5) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed marriage is a sham.]

**Status:**

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