
STATUTORY INSTRUMENTS

2003 No. 413

The Marriage (Northern Ireland) Order 2003

Religious marriages

[^{F1}Governing authority of a religious body N.I.]

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.]

F1 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)

Application by religious bodies for registration of member to solemnise marriages N.I.

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.

[^{F2}(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) ^{F3}...or
- (c) the person named in the application is not a fit and proper person to solemnise a marriage.

^{F4}(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 ^{F5}(2A)] an “appropriate declaration” means a declaration by the parties, in the presence of—

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

that they accept each other as husband and wife.

^{F6}(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.

- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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 **N.I.**

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 ^{F7}paragraphs (1C) and] (2) of that Article.

^{F8}(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
- (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.

- F7** 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)**
- F8** 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 **N.I.**

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 [^{F9}for marriages of parties who are not of the same sex] no longer contains an appropriate declaration within the meaning of Article 10(3);
- [^{F10}(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.

[^{F11}(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.]

F9 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)**

F10 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)**

F11 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 **N.I.**

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.

[^{F12}(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.

F12 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 **N.I.**

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.

[^{F13}(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.

[^{F14}(2A) An authorisation under paragraph (1)(b) must state whether it is—

- (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.

F13 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)**

F14 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 **N.I.**

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) [^{F15}or (as the case may be) Article 10(3A)].

[^{F16}(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)—

- (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.]

F15 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)**

F16 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 **N.I.**

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 **N.I.**

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.

[^{F17}Marriages of same-sex couples: protection from compulsion **N.I.**

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.]

<p>F17 Art. 17A inserted (1.9.2020) by The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 (S.I. 2020/742), regs. 1(2), 11</p>

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Northern Ireland) Order 2003, Religious marriages.