

EXPLANATORY MEMORANDUM TO

Marriage, Civil Partnership and Civil Registration (Amendment) Regulations (Northern Ireland) 2022

SR No. 48

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 10(1), 10(4), 10(4A), 11(1), 21(1), 21(5), 39, 40 and 40A of the Births and Deaths Registration (Northern Ireland) Order 1976, Articles 3(3), 7(1), 35(3) and 36 the Marriage (Northern Ireland) Order 2003 and sections 139(2), 143, 155(3), 156(1) and 159 the Civil Partnership Act 2004 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will introduce changes to civil registration legislation to enable registrations and subsequent life event certificates to be produced with the choice of headings in English, Irish and Bi-lingual English/Irish with all the content, regarding the registration, remaining in English.
- 2.2. The Regulations will amend the Marriage Regulations (Northern Ireland) 2003, the Civil Partnership Regulations (Northern Ireland) 2005 and the Civil Registration Regulations (Northern Ireland) 2012.

3. Background

- 3.1. The legislation will start to take forward the New Decade New Approach (NDNA) requirement which states "make any necessary statutory provision for births, marriages and deaths to be registerable in Irish".
- 3.2. At present when an informant is registering a life event, such as a birth or death this can only take place in English for both the headings and the content. From the introduction of the legislation, an informant will have the option of registration type in either English only, Irish only or bi-lingual English/Irish. While the choice of headings will be available in alternative languages the registration process and the information required for the registration will still be provided in English.
- 3.3. For all certificates produced from the registration the certificate headings will remain in the language format selected at the point of registration and cannot be changed and all future certificates will be produced with the language selected. The legislation will apply to registrations going forward and will not apply retrospectively to life events already registered which will continue to be available in English only.

4. Consultation

- 4.1. No consultation has been carried out as this is a New Decade, New Approach commitment.

5. Equality Impact

- 5.1. An equality screening exercise has been completed and it has been deemed that a full impact assessment is not required as there is no adverse effects on any Section 75 categories.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment is not necessary as the proposals result in no, or negligible, costs or savings.

7. Financial Implications

- 7.1. The majority of service changes can be met without placing any additional burden on the public purse or the general public.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with Convention rights; is not incompatible with Community law; does not discriminate against a person or class of person on the grounds of religious belief or political opinion and does not modify an enactment in breach of Section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The Regulations apply only to Northern Ireland. The provision of the civil registration service is a devolved issue with each jurisdiction operating under its own legislation. There is not parity in registration processes in relation to Northern Ireland, England and Wales and Scotland.

11. Additional Information

- 11.1. Not applicable.