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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**The Marriage (Northern Ireland) Order 2003**

*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 Health and Social Services Board or Health and Social Services 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”, “Health and Social Services 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.

**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.

(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.