

*Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament*

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DRAFT STATUTORY INSTRUMENTS

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**2003 No. (N.I. )**

**NORTHERN IRELAND**

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

*Made - - - - 2003*

*Coming into operation in accordance with Article 1*

**ARRANGEMENT OF ORDER**

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## *Marriage*

At the Court at Buckingham Palace, the \*\* day of \*\* 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c.1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

### *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.

(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.

#### **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—

“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);

“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);

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

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“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 regulations made by the Department;

“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.

### *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.

#### **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).

(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—

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- (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.

### **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 status; and
- (d) nationality,

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

### **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—

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- (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—

- (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;
- (c) one or both of the parties will be under the age of 16 on the date of solemnisation of the intended marriage;
- (d) one or both of the parties is or are incapable of understanding the nature of a marriage ceremony or of consenting to marriage; or
- (e) both parties are of the same sex.

(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.

### **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 (6), 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.

### **Marriage outside the United Kingdom where party resides in Northern Ireland**

8.—(1) Where a person residing in Northern Ireland—

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- (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.

## *Religious marriages*

### **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.

(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) the marriage ceremony used by that body does not include, or is inconsistent with, an appropriate declaration; or
- (c) the person named in the application is not a fit and proper person to solemnise a marriage.

(3) In paragraph (2)(b) 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.

(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.

### **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 paragraph (2) of that Article.

(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.

### **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 no longer contains an appropriate declaration within the meaning of Article 10(3); 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.



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(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.

### **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.

(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.

### **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.

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

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

### **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;

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- (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).

### **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.

*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.

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(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—

- (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.

### **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.

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(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 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.

*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.

**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.

### **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;
- (b) if the person named in the statement is detained in a hospital or special accommodation, the Health and Social Services Board 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.

## *Marriage*

(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).

## *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.

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



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(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.

### **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—

- (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.

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(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.

**Repeals**

**40.** The statutory provisions specified in the Schedule are hereby repealed to the extent specified in the second column of the Schedule.

Clerk of the Privy Council

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Article 40.

SCHEDULE

REPEALS

Short Title	Extent of repeal
The Marriages (Ireland) Act 1844 (c. 81).	The whole Act.
The Marriages (Ireland) Act 1846 (c. 72).	The whole Act.
The Marriage (Society of Friends) Act 1860 (c. 18).	The whole Act.
The Marriage Law (Ireland) Amendment Act 1863 (c. 27).	The whole Act.
The Registration of Marriages (Ireland) Act 1863 (c. 90).	The whole Act.
The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 (c. 110).	Section 4. Sections 32 to 42. Schedule (A).
The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871 (c. 49).	The whole Act.
The Marriage (Society of Friends) Act 1872 (c. 10).	The whole Act.
The Marriage Law (Ireland) Amendment Act 1873 (c. 16).	The whole Act.
The Marriages Validity Act 1899 (c. 27).	The whole Act.
The Marriage and Matrimonial Causes Act (Northern Ireland) 1946 (c. 16).	The whole Act.
The Marriages Act (Northern Ireland) 1954 (c. 21).	The whole Act.
The Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern	The whole Act.

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Short Title	Extent of repeal
Ireland) 1955 (c. 29).	
The Births, Deaths and Marriages Registration Act (Northern Ireland) 1956 (c. 5).	The whole Act.
The Marriage (Registration of Buildings) Act (Northern Ireland) 1967 (c. 32).	The whole Act.
The Age of Majority Act (Northern Ireland) 1969 (c. 28).	In Part I of Schedule 1 the entries relating to— the Marriages (Ireland) Act 1844 the Marriage Law (Ireland) Amendment Act 1863 the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 and the Marriages Act (Northern Ireland) 1954.
The Births, Deaths and Marriages Registration (Northern Ireland) Order 1973 (NI 8).	The whole Order.
The Armed Forces Act 1981 (c. 55).	In Schedule 3, paragraph 9.
The Departments (Northern Ireland) Order 1982 (NI 6).	In Schedule 3 the entries relating to— the Marriages (Ireland) Act 1844 the Marriage Law (Ireland) Amendment Act 1863 the Registration of Marriages (Ireland) Act 1863 the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 and the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871.
The Marriage Act 1983 (c. 32).	Sections 3 to 11. Section 12(2).
The Mental Health (Northern Ireland) Order 1986 (NI 4).	In Part II of Schedule 5, the entries relating to the Marriage Act 1983.
The Social Security	In Schedule 9, paragraph 52.

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Short Title	Extent of repeal
(Northern Ireland) Order 1986 (NI 18).	
The Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9).	In Schedule 2, paragraph 4.
The Family Law (Northern Ireland) Order 1993 (NI 6).	Article 3.
The Children (Northern Ireland) Order 1995 (NI 2).	In Schedule 9, paragraphs 10 to 12.
The Immigration and Asylum Act 1999 (c. 33).	Section 161(4). Section 162(2). Section 163(3) and (4). In Schedule 14, paragraphs 1 and 2.
The Northern Ireland (Modification of Enactments - No. 1) Order 1999 (S.I. 1999/663).	In Schedule 1 paragraphs 1, 2, 5, 10 and 11.

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision in connection with the formalities for marriage and the solemnisation and registration of marriages.