

# Marriage Regulations

That the following Marriage Regulations (NI) be approved by the General Synod of the Church of Ireland for marriages in Northern Ireland:

## MARRIAGE REGULATIONS (NI) 2004 – WITH GUIDANCE NOTES

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### INTRODUCTION

New legislation came into force in Northern Ireland in January 2004.

#### Summary

- Historically, provision for marriage in church was by means of the calling of Banns or by issue of a licence (Ordinary or Special).
- It remains proper for the calling of Banns when required for the solemnisation of matrimony in the Church of England or the Church in Wales.
- All marriages in Northern Ireland proceed on foot of a schedule issued by the Registrar General through civil registrars.
- In the past, specific places were recognised or designated as appropriate for the solemnisation of matrimony. In law, the place of marriage is a matter of indifference to the state. Specific persons are registered as competent to conduct ceremonies of marriage and are recognised by the Registrar General for that purpose.
- Registration and certification of the marriage has also changed. Formerly, official marriage registers were required by law to be maintained in each place, marriage returns were required to be made by the person having custody of the registers to the Registrar General, and certified copies of an entry in a Register of Marriage were provided to the newly married couple or upon subsequent request (the ‘marriage certificate’). All of this has ceased. **Responsibility for registration of the marriage rests on the marrying couple. They must return the documentation to the Registrar General within three days of the ceremony taking place.**

- The Church of Ireland has established its own regulatory scheme for what the Marriage (NI) Order 2003 refers to as ‘religious marriages’. The scheme regulates:
  - 1 the places where marriages conducted by clergy of the Church of Ireland may take place;
  - 2 the mechanism for the registration of clergy as registered officiants;
  - 3 the records that should be kept, independent of the records of the Registrar General.

**STANDING COMMITTEE OF THE GENERAL SYNOD  
OF THE CHURCH OF IRELAND  
Regulatory Scheme for the Solemnising of Matrimony**

**Title and Constitution**

This Scheme should be known as Church of Ireland Marriage Regulations (NI) 2004.

**1. The Church of Ireland Marriage Office (Northern Ireland)**

A facility known as The Church of Ireland Marriage Office (Northern Ireland), located in Church of Ireland House, Belfast (telephone 028 9082 8830), acts as the agent for the bishops of the Church of Ireland in all matters relating to the responsibility of the Church of Ireland as the “religious body” referred to in the Marriage (Northern Ireland) Order 2003, Article 10. In cases of uncertainty, the agent shall have recourse to advice from the Provincial Registrar of Armagh.

**2. Registration or Authorisation for the Solemnisation of Marriage**

(i) In each diocese of which all or part is within the territorial jurisdiction of Northern Ireland the bishop and all such beneficed and/or licensed clergy whose parishes or part of whose parishes are within the territorial jurisdiction of Northern Ireland as the diocesan bishop shall determine, shall be nominated for registration under the Marriage Order (Northern Ireland) 2003 to solemnise marriages. Cancellation of such registration shall take place on the removal of such beneficed and/or licensed clergy from office within the territorial jurisdiction of Northern Ireland or from the ecclesiastical jurisdiction of the diocesan bishop concerned, or in such other circumstances as the relevant diocesan bishop or the Registrar General shall see fit.

(ii) Any other clergy of the Church of Ireland or of a Church in communion with the said Church wishing to solemnise a marriage shall apply to the bishop of the diocese or his/her commissary in which the particular marriage is to take place by completing an application form obtainable from the Church of Ireland Marriage Office (NI) and returning it to that office together with any information which may then or thereafter be sought for transmission to the relevant bishop.

(iii) Where it appears to any bishop or his/her commissary to be requisite or appropriate that clergy serving within that diocese who are not already registered for the solemnisation of marriages should be authorised to conduct marriages for a specified period or authorised to solemnise a particular marriage or marriages therein, it shall be open to such bishop or his/her commissary either on the application of the clergy concerned, or of that bishop’s or his/her commissary’s own motion, but with the consent of such clergy, to endorse or make application for such authorisation.

### 3. Solemnisation of Marriage

(i) No one registered or authorised to solemnise marriages shall carry out any marriage

Unless

- (a) the parties have, prior to the ceremony, produced a marriage schedule in respect of that marriage issued by the Registrar General;
- (b) both parties to the marriage are present;
- (c) there are at least two persons over the age of 16 present as witnesses;
- (d) at least one of the parties shall have been baptised and is a member of the Church of Ireland or of a Church in full communion therewith.

(ii) The ceremony of marriage must be in accordance with the Rites and Ceremonies of the Church of Ireland, using one of the authorised forms of The Marriage Service.

(iii) The ceremony must only be carried out in a church or chapel of the Church of Ireland duly consecrated for public worship. **Marriages shall NOT be solemnised at any place other than a church or chapel of the Church of Ireland duly consecrated for public worship unless the circumstances are wholly exceptional and the prior approval of the relevant bishop has been obtained.** The marriage schedule issued under the Order will specify the place in which the marriage is to take place. Any application for the use of any place other than a church or chapel of the Church of Ireland, duly consecrated, should be made prior to the lodging of the marriage notice. When, for wholly exceptional reasons, an application for change of place to another church or chapel of the Church of Ireland or to a place other than a church or chapel of the Church of Ireland requires to be made subsequent to the issuing of a marriage schedule, the matter shall be referred both to the bishop and to the Registrar General, since an alteration to the marriage schedule will be required.

(iv) A marriage to be solemnised in a church or chapel other than by the incumbent must receive the consent of the incumbent prior to the lodging of the Marriage Notice with the Registrar.

(v) Whereas the State merely requires 14 days notice, the clergy should expect a minimum period of three months in order to give opportunity both for proper preparation and for the marriage ceremony.

There shall be maintained in each parish a Record of Marriage book into which shall be entered by the officiant such details of each marriage as the Church of Ireland may from time to time require.

### 4. General

Persons registered or authorised for the solemnisation of marriages shall follow and comply in all respects with the terms, procedures, guidelines and requirements of this scheme. They shall also observe and comply with all liturgical and canonical rules.

**Any failure to do so on the part of the person registered to solemnise marriages could compromise the validity of the ceremony, and would be in breach of Church discipline.**

Such failure to comply may cause the relevant bishop to apply for the cancellation of such registration. Before doing so the bishop shall give not less than one month's notice of his / her

intention to apply for such cancellation to enable the person registered to offer reasons as to why such application should not be made. Having considered those reasons, and any representations which the person so registered may wish to make, the bishop shall forthwith advise the person so registered of his / her decision whether or not to make such application and, in the event of a decision to make the application, the person so registered shall have right of appeal to the Diocesan Court.

A similar right of appeal shall be available to a person having temporary authorisation to solemnise marriage on a particular occasion or for a specified period if the bishop, in the event of failure to comply with liturgical and canonical rules or the requirements of this regulatory scheme, indicates an intention to refuse to support any further application by that person for temporary authorisation.

## **MARRIAGE (NI) ORDER 2003**

### **GUIDANCE NOTES**

#### **NOTIFICATION OF MARRIAGES**

(i) Since the former practices of the reading of Banns or the issuing of Licenses have been superseded, the reading of Banns will have no legal effect, unless required for the purposes of solemnising of matrimony in the Church of England or the Church in Wales.

The Order requires a marriage notice to be given as stipulated by Article 3 of the Marriage (NI) Order 2003 and in a form prescribed by the Marriage Regulations (NI) 2004 Schedule 1 Regulation 3.

The notice must contain the information prescribed by the Regulations together with any evidence which may be required either by the Regulations or as may be specified in guidance issued by the Registrar General and must be given not less than fourteen days prior to the date of the intended marriage.

(ii) As recommended in 3(v), the couple should consult their clergy well in advance. By law, notice must be given in the twelve-month period before the date of the marriage and not later than fourteen days before the marriage. The Church of Ireland recommends that not less than three months notice be given.

The Marriages Notice application form must be brought by the couple to the proposed officiant for his / her signature. Before signing, the officiant should discuss all outstanding issues with the couple and which discussion should be completed prior to the lodging of the Marriage Notice.

It is the responsibility of the Registrar to issue a Marriage Schedule and that Marriage Schedule will specify the authorized officiant. It cannot be issued without the consent of the authorised officiant.

Clergy are not required to solemnise marriages of which they have not received proper notice and should not do so unless they are satisfied that the circumstances are wholly exceptional and after consultation with the bishop of the diocese within which the marriage is to take place.

## **Recording of Marriage**

**The recording of the marriage for state purposes** will no longer be in a register but on the Marriage Schedule. Immediately after the solemnisation of the marriage the schedule must be signed by

1. the parties to the marriage
2. the two witnesses to the marriage
3. the person officiating.

This document must be delivered to the Registrar **within three days of the marriage.**

**Responsibility for ensuring that the schedule is returned to the Registrar rests on the parties to the marriage, not on the officiant.**

## **Record of Marriage Books**

The recording of the marriage for Church purposes (see section 3(v) of the Regulations) should also take place on the day of the ceremony.

Record of Marriage Books are obtainable from the Good Book Shop (Belfast) (Telephone 028 9082 8890) or from The Resource Centre (Dublin) (Telephone 01 4972821).

Note: These Regulations superceed those passed by the Standing Committee, with the approval of the Bishops of the Church of Ireland, on 18 November 2003.