

CHURCH OF IRELAND
REGULATIONS & GUIDELINES

INTRODUCTION OF NEW
MARRIAGE REGULATIONS (NI)
January 2004

*With Guidance Notes approved by
The Standing Committee of the General Synod
18 November 2003*

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INTRODUCTION

New marriage legislation will come into force in Northern Ireland in January 2004. Similar provisions are likely to be introduced in the near future in the Republic of Ireland.

Summary

- ❖ Historically, provision for marriage in church was by means of the calling of Banns or by issue of a licence (Ordinary or Special). In future, neither provision will apply.
- ❖ All marriages will proceed on foot of a schedule issued by the Registrar General through local registrars who will be local government officials.
- ❖ Furthermore, in the past, specific places were recognised or designated as appropriate for the solemnization of matrimony. This will also no longer apply. In law, the place of marriage will be a matter indifferent. In future, it will be specific persons who will be registered as competent to conduct ceremonies of marriage and recognised by the Registrar General for that purpose.
- ❖ Registration and certification of the marriage will also change. Formerly, official marriage registers were required by law to be maintained in each place, marriage returns were required 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 will now cease. Responsibility for registration of the marriage will fall to the marrying couple who 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 new law 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.

❖ In brief, the scheme provides that:

- 1 except in the most exceptional of circumstances, a marriage must take place in church according to the rites and ceremonies of the Church of Ireland;
- 2 a Church of Ireland Marriage Office in Belfast will liaise with the Registrar General in maintaining and updating the list of registered officiants and those requiring temporary registration. Each diocesan bishop will be responsible for authorising the inclusion of clergy from his/her diocese on that list;
- 3 a standardized record of marriages will be maintained for each church building.

THE SOLEMNISATION OF MATRIMONY

Transitional Arrangements for the Church of Ireland 2003/2004

Preliminary Guidance for Licensers and Clergy

1. The Marriage (Northern Ireland) Order 2003 is expected to come into effect from the 1st of January 2004.
2. Marriages solemnised under the new Order cannot take place before 14th January 2004 at the earliest to allow the minimum fourteen days statutory notice period, - although in effect the first marriages are unlikely to take place before Thursday 15th or Friday 16th January 2004 since Thursday 1st January is a Public Holiday and thus offices will not be open to receive Notices of Marriage and to issue Schedules of Marriage until January 2nd 2004.
3. Marriages arranged after the reading of banns or by licence issued in 2003 may proceed and will be covered by transitional arrangements. Theoretically therefore marriages may be solemnised under the old arrangements up to and including 31st March 2004. However, it would be advisable to place a moratorium on the issuing of licenses or the reading of banns of any marriage which is proposed to take place after 31st January 2004.
4. Marriages due to take place between January 1st and January 15th must be by license or after banns since there will be insufficient notice period for the issuing of a Marriage Schedule under the new legislation (see 2 above).

5. Under the new legislation only those listed as ‘approved officiants’ will be permitted to solemnise marriages. Temporary authorisation will be required for others (e.g. clergy from other jurisdictions). However, for marriages to be solemnised during the transitional period until 31st March 2004 under the existing - i.e. the pre-2003 - legislation, the requirement for registration of ‘approved officiants’ will not apply.

STANDING COMMITTEE OF THE GENERAL SYNOD OF THE CHURCH OF IRELAND

Regulatory Scheme for the Solemnising of Matrimony

Title and Constitution

This Scheme, to be known as Church of Ireland Marriage Regulation 2003 is prepared and adopted by the Standing Committee after consultation with the bishops of the Church of Ireland on the 18th day of November 2003.

1. Establishment of a Church of Ireland Marriage Office (Northern Ireland)

A facility to be known as The Church of Ireland Marriage Office (Northern Ireland) located in Church of Ireland House, Belfast, will act 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.

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, will 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 the marriage issued by the Registrar General;

3. Solemnisation of marriage /cont.

- (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 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 of the Church of Ireland duly consecrated for public worship. Marriages shall not be solemnised at any place other than a church 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 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 of the Church of Ireland or to a place other than a church 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 other than by the incumbent must receive the consent of the incumbent prior to the lodging of the Marriage Notice with the Registrar.

- (v) Despite the statutory requirement of length of notice the normal expectation shall be a minimum period of three months in order to give opportunity both for proper preparation and for the marriage ceremony.

In addition to signing the marriage schedule as required under the new legislation, the officiant shall maintain, in a manner similar to the recording of baptisms, a record of such details of the marriage as the Church of Ireland may from time to time determine in a book to be maintained in each church for that purpose.

4. General

Persons registered or authorised for the solemnisation of marriages must follow and comply in all respects with the terms, procedures, guidelines and requirements of this scheme. They must 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 also 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 should give not less than one month's notice of his intention to apply for such cancellation to enable the person registered to put forward 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 reg-

istered of his decision whether or not to make such application and, in the event of his deciding 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 (N.I.) ORDER 2003

GUIDANCE NOTES

The new Marriage Legislation which comes into effect from 1st January 2004 embraces two major changes from the pattern heretofore provided in respect of marriages solemnised in Northern Ireland.

- (a) The system for the notification of marriages is now entirely changed. No longer will marriages be solemnised either after Banns or by Licence; nor will the Church have any role to play in providing for the public notification of marriage. This will be dealt with entirely by the Registrar General and the system will be operated by Registrars and Deputy Registrars appointed in each District Council office in Northern Ireland.
- (b) The former arrangement by which specific places were licensed for the solemnisation of matrimony has now been replaced to allow marriages to take place in the location of choice of the marrying couple so long as a person registered and approved to conduct a marriage ceremony consents to do so in that location. Furthermore there will now be maintained a registered list of such approved persons who must be identified to the Registrar General for inclusion on such a list. Persons not included on the Registrar General's list may not solemnise any marriage.

The guidance which follows is intended to help clergy to become accustomed to the new system and to the Regulatory Scheme for the Solemnising of Matrimony approved by the Standing Committee.

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.

The Order requires a marriage notice to be given as stipulated by Article 3 of the Marriage Order and in a form prescribed by the *Marriage (Northern Ireland) Regulations 2003 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) Following the lodging of the marriage notice the Registrar will complete and issue a marriage schedule. The Registrar should not issue any such schedule if it involves solemnisation of the marriage by a person registered or authorised on the application of the Church of Ireland without the consent of that person. This presupposes a discussion of the matter prior to the lodging of the marriage notice.

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. That schedule must immediately after the solemnisation of the marriage 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.

REGULATION PASSED BY THE STANDING COMMITTEE 18 NOVEMBER 2003

With the approval of the bishops of the Church of Ireland Standing Committee hereby affirms, declares and directs

1. Following the enactment of the Marriage (Northern Ireland) Order 2003 scheduled to come into operation on 1 January 2004, and in view of the proposed new Marriage Law Reform in the Republic of Ireland and of the probability of draft legislation being brought before the Oireachtas within the next year, it is necessary for the Church of Ireland to take appropriate steps to regulate the internal discipline, procedures and practices of the Church concerning officiants who may solemnise marriages in the Church of Ireland and the registration of such marriages:
2. Pursuant to paragraph (1) above the powers, rights and duties conferred on religious bodies, including the Church of Ireland, by the said Order, shall, in relation to the Church of Ireland, be exercised on a diocesan basis by the bishop of each diocese containing a part of the territory of Northern Ireland, in accordance with a regulatory scheme in that behalf to be adopted by the Standing Committee after consultation with the House of Bishops: The said powers, rights and duties include, in particular,
 - (a) the power, contained in Article 10 of nominating persons to be registered as empowered to solemnise marriages in Northern Ireland
 - (b) the duty imposed in Article 11 of informing the Registrar General, as soon as practicable of the death of any person

- registered under the legislation or of any change in the information provided in the original application;
- (c) the power, conferred in Article 12, of requesting the cancellation of the registration of any person in respect of whom application for registration has been made;
 - (d) the right, conferred upon religious bodies by Article 13, of appealing against any refusal by the Registrar General to register a person named in an application or against the cancellation of the registration of any person registered;
 - (e) the power, implicit in Article (14), of nominating, or endorsing the application of, any member of the clergy of the Church of Ireland, who seeks temporary authorisation to solemnise one or more specified marriages, or marriages during a specified period.
3. In due course, when the relevant legislation is enacted in the Oireachtas, similar (but distinct) provision will be required in respect of marriages in dioceses in the Republic of Ireland.
 4. Any member of the clergy of the Church of Ireland who is registered to solemnise religious marriages or temporarily authorised to solemnise religious marriages shall, in and about the preparation for the solemnisation and recording of such marriages follow, observe and comply in all respects with the terms, procedures, guidelines and requirements of the said regulatory scheme.

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