

APPENDIX 5

SOLEMNIZATION OF MARRIAGES

5.01 The Marriage (Northern Ireland) Order 2003

Officiants

Any person who wishes to solemnise a marriage must be registered as an Officiant before he/she may conduct a marriage.

An Officiant is a person who is over 21 years of age and recognised by a religious body as a fit and proper person to solemnise a marriage.

The religious bodies (i.e. denominations or congregations) are responsible for making applications to the General Register Office for the registration of Officiants.

A Register of Officiants shall be held at the General Register Office.

The Secretary of the Conference shall notify staff in the General Register Office of any change of address or retirement, etc.

Notice of Marriage

Notice of all marriages shall have to be given to the Registrar of the District where the marriage is to be solemnised.

Both parties shall have to give notice in writing, to the Registrar of the District in which they wish to marry.

Notice may be given up to one year in advance of and no less than 28 days earlier than, the date of marriage.

Notice may be given by post.

The Officiant shall sign the marriage notice form to indicate that he/she is willing to solemnise the marriage.

Parties shall be required to produce birth certificates or passports when giving notice.

Authority for Marriage

The Registrar shall issue a marriage schedule to the parties:

No earlier than fourteen days after the date on which notice is given.

No sooner than fourteen days before the date of marriage.

The Parties shall have to personally collect the Marriage Schedule from the Registrar.

The Marriage schedule is the authority for the marriage to take place and should be delivered to the Officiant prior to the solemnisation of the marriage.

The date and place of marriage shown on the marriage schedule cannot be changed without the authorisation of the Registrar.

Solemnisation of Marriage

An Officiant shall be able to solemnise a marriage without the attendance of a Registrar.

An Officiant may only solemnise a marriage when he or she is in receipt of a marriage schedule. Immediately after the marriage ceremony, the schedule shall be signed by the parties, two witnesses over 16 years of age and the Officiant.

The bride shall sign the marriage schedule in her maiden name (i.e. she shall not sign using the same surname as her husband).

There is no requirement for buildings to be licensed or registered for religious marriages.

Where a couple have been previously married (and not divorced) and wish to go through a second ceremony, an officiant may only perform a 'blessing'.

Registration of Marriage

It is the responsibility of the parties to return the completed schedule to the Registrar of the District in which the marriage is solemnised.

The District Registrar shall be responsible for the registration of all marriages.

Marriage Certificates

All certified copies of entries in marriage registers in respect of marriages solemnised prior to 1 April 2004 shall be issued by the General Register Office.

Stationery

Officiants may obtain a supply of marriage notice forms from any of the District Registrars.

Keeping of Marriage Records

All marriages solemnized by ministers shall be recorded in the *Record of Marriages* book available for the purpose. It should be noted that this is for the purpose of historical record only and is not a legal document.

5.02 The Civil Registration Act 2004 (Republic of Ireland)

Civil Requirements

To contract a valid marriage in the Republic of Ireland the parties to the marriage must:

- have the capacity to marry each other;
- freely consent to the marriage; and,
- observe the marriage notification process as required by the laws of this State (detailed below).

Persons wishing to get married by religious ceremony should approach the authorities of the religious denomination concerned for advice on how to proceed, and also make an appointment to attend their local Registrar. Some counties have more than one registrar; the HSE will be able to advise you of their contact details.

Minimum Age of Marriage:

From August 1, 1996 (under the Family Law Act, 1995) the minimum age at which a person, ordinarily resident in the State, may contract a marriage valid in Irish law is eighteen years of age; whether the marriage takes place in Ireland or elsewhere. This provision also applies where one party to the proposed marriage is over 18 years of age and the other is under 18, and to all non-residents who are marrying in the State. All persons applying to marry in the State must provide a Registrar with evidence of age and identity. Failure to produce such evidence will result in refusal to proceed with the marriage. Persons aged under 18 must obtain the permission of the Circuit Family Court or the High Court to get married.

There is no requirement to obtain parental consent for a marriage.

The Marriage Notification Process (including documents required)

After 5th November 2007 any couple proposing to marry should begin the process by contacting their local Registration Office to make an appointment to meet the Registrar to give him/her their marriage notification. Notifications can be taken only by prior appointment with the Registrar. While only three months' notice is required by law, couples are advised to contact the Registrar well over three months before their intended date of marriage to ensure they can get a timely appointment. The notification details will be entered on a computerised notification system by the Registrar on the basis of the information given by the couple.

When attending the Registrar's office in relation to the notification, the couple must also pay the notification fee and provide the Registrar with evidence of their name, address, age, marital status and nationality. They should confirm details of this when making the appointment.

In general, all couples will be asked to produce:-

- Passport as ID
- Birth Certificate
- If either party is divorced, original final decrees in respect of all previous divorces

- If widowed, death certificate of the previous spouse and the civil marriage certificate for their first marriage
- Their PPS Numbers (where either or both of the parties have one)
- Registration Fee

Additional documentation may be required in some cases, such as where a divorce has been granted outside the State and it must be determined whether it is recognised under Irish law. The Registrar will advise what is required in each case.

Please note that the above list is not exhaustive. All couples should check directly with the registrar, before their appointment, to ensure that they have all the required documentation.

In addition to their personal particulars, the couple will be requested to provide details in relation to their proposed marriage such as

- the intended date of marriage,
- whether they require a civil or religious ceremony,
- the names and dates of birth of their witnesses, and
- details of the proposed solemniser and venue.

They will also both have to complete a declaration of no impediment stating that they are not aware of any lawful impediment to the proposed marriage. A list of impediments is contained on the website of the Registrar General.

The Registrar will issue each party to an intended marriage, and the proposed solemniser, with an acknowledgement confirming the date of the receipt of the notification.

It should be noted that these acknowledgements are for record only and are not intended to be a licence or certificate signifying the approval of the Registrar concerned to any proposed marriage. All the other legally required marriage preliminaries, as set out in this webpage, must also be complied with.

A person who solemnises or is a party to a marriage where he/she is aware that the three months' notification of intention to marry has not been given is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 or imprisonment for a term not exceeding 6 months or both.

Postal Notifications

In very limited circumstances (i.e. critical illness of one of the parties or one or both parties being resident outside the State) and only by prior agreement with the Registrar, it is possible for a couple to post a marriage notification to the Registrar. Further details are available from a Registrar's office.

The Marriage Registration Form (MRF)

When the Registrar is satisfied that all required details have been provided and that the couple are free to marry, he/she will issue them with a Marriage Registration Form (MRF) based on the information they have provided. This is a critical document as it is

effectively the civil authorisation for the marriage to proceed. **All couples wishing to marry in Ireland (whether they require a religious or a civil ceremony) must first be issued with a Marriage Registration Form (MRF) and any marriage that takes place without a MRF having been issued cannot be civilly registered.** The MRF should be given to the religious solemniser solemnising the marriage prior to the ceremony.

It is strongly advised that couples bring all documents and information requested by the Registrar to their notification meeting, so that the entire process can be completed in one meeting and the MRF can be issued to them immediately.

The date and place of marriage shown on the MRF cannot be changed without the authorisation of the Registrar.

Solemnisation of Marriage

A religious solemniser shall be able to solemnise a marriage without the attendance of a Registrar.

A solemniser may only solemnise a marriage when he/she is in receipt of a marriage registration form. Immediately after the marriage ceremony, the form shall be signed by the parties, two witnesses over 18 years of age and the solemniser.

The bride shall sign the form in her maiden name (i.e. she shall not sign using the same surname as her husband).

There is no requirement for buildings to be licensed or registered for religious marriages.

Where a couple have been previously married (and not divorced) and wish to go through a second ceremony, a minister may only perform a 'blessing'.

Registration of Marriage

It is the responsibility of the parties to return the completed Marriage Registration Form to a Registrar of Marriages within a month of the marriage.

The Civil Registry shall be responsible for the registration of all marriages, and for the issuing of marriage certificates.

Keeping of Marriage Records

All marriages solemnized by ministers shall be recorded in the *Record of Marriages* book available for the purpose. It should be noted that this is for the purpose of historical record only and is not a legal document.