

**APPENDIX K**

**With the approval of the House of Bishops  
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.

**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 House of Bishops on the day of \_\_\_\_\_ 2003.

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

There shall be established in Church of Ireland House, Belfast, a facility to be known as The Church of Ireland Marriage Office (Northern Ireland) to act as the agent for the Church of Ireland as the “religious body” referred to in The Marriage (Northern Ireland) Order 2003, Article 10.

That office shall provide such central services as may be required to enable the effective discharge of obligations that are or may be placed upon the Church of Ireland and/or the clergy of the Church of Ireland under the terms of the said Order.

All communications between any bishop whose jurisdiction, or part of whose jurisdiction, lies in Northern Ireland in respect of matters referred to in the said Order shall pass through this Office.

**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 any incumbent or bishop’s curate whose parish, or part of whose parish, is within the territorial jurisdiction of Northern Ireland, will be nominated for registration under the Marriage Order (Northern Ireland) 2003 to solemnise marriages. Such registration shall extend throughout the period of their episcopacy or incumbency unless cancellation of the registration shall take place either on the application of the relevant bishop or on the motion of the Registrar General.
- (ii) Any other priests 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 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. Only bishops, incumbents and bishop’s curates of a particular diocese may be registered to solemnise marriages at all times. Other priests will, in so far as solemnisation

#### Standing Committee – Report 2004

of marriages is concerned, be dealt with by a temporary authorisation for specific marriages.

- (iii) Where it appears to any bishop or his/her commissary to be requisite or appropriate that any priest serving within that bishop's diocese who is 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 either on the application of the priest concerned, or of that bishop's own motion, but with the consent of the priest concerned, to endorse or make application for such authorisation.
- (iv) It is not intended that any member of the Church of Ireland other than those ordained to the priesthood shall be registered or authorised to solemnise marriages.

### **3. 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, though still provided for in the Book of Common Prayer, will have no legal effect. Banns may still be read if the parties to the proposed marriage so wish and if the conditions for Banns are satisfied. However, they are in no way a substitute for the delivery of a formal notice as required by the Order. 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 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.
- (iii) 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

#### Standing Committee – Report 2004

other than a church of the Church of Ireland, duly consecrated, should be made prior to the lodging of the marriage notice. The relevant application forms can be obtained from the Church of Ireland Marriage Office (NI). When, for wholly exceptional reasons, an application for change of place 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.

#### **Solemnisation of Marriage**

1. 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;
  - 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.
2. The ceremony of marriage must be in accordance with the Rites and Ceremonies of the Church of Ireland, using one of the forms of The Marriage Service provided in the Book of Common Prayer.
3. The ceremony must only be carried out in a church of the Church of Ireland duly consecrated for public worship, unless the conditions previously referred to are satisfied.
4. 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.

#### **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:

#### Standing Committee – Report 2004

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.

In addition to signing the marriage schedule the officiant shall record, in a manner similar to the recording of baptisms, in a book to be maintained in each church for that purpose, the following information, namely:

Date and place of marriage  
Names – and signatures – of bridegroom and bride  
Their occupations, marital status, dates of birth  
Usual addresses  
Signature of officiant.

#### **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 registered 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.

**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 - assuming that Regulations and especially Fees Order are approved by then.
2. Marriages solemnised under the new Order cannot take place before 14<sup>th</sup> 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 15<sup>th</sup> or Friday 16<sup>th</sup> January 2004 since Thursday 1<sup>st</sup> 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 2<sup>nd</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> January 2004 i.e. with effect from 31<sup>st</sup> October 2003.
4. Marriages due to take place between January 1<sup>st</sup> and January 15<sup>th</sup> 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. In the Church of Ireland only the names of bishops, incumbents or bishop’s curates will appear on the list of approved officiants. Temporary authorisation will be required for others (i.e. curates, retired or auxiliary clergy, or clergy from other jurisdictions). However, for marriages to be solemnised during the transitional period until 31<sup>st</sup> March 2004 under the existing - i.e. the pre-2003 - legislation, the requirement for registration of ‘approved officiants’ will not apply.
6. Guidance on these and all other matters relating to the new NI marriage legislation may be obtained from a new service to be established in Church of Ireland House, 61-67 Donegall Street, Belfast BT1 2QH and to be known as The Church of Ireland Marriage Office (Northern Ireland).

**Reminders:**

1. *Amendments to the rubrics will be required.*
2. *Various forms and applications shall be as prescribed by the Church of Ireland Marriage Officer.*
3. *For the purpose of recording of marriages in the parish service book an addition may need to be made to the constitution Chapter 3 section 25 (1).*