

Standing Committee – Report 2008

Appendix F

**CHURCH OF IRELAND
MARRIAGE REGULATIONS (Republic of Ireland) 2007**

Approved by the General Synod of the Church of Ireland, 2007

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INTRODUCTION

The Civil Registration Act 2004 introduced new marriage legislation. Section 45-58 of the Act were brought into force (in accordance with Section 1 of the Act) by Ministerial Order on 5 November 2007. A book of regulations: *Marriage Provisions of the Civil Registration Act 2004 – Notes for Religious Solemnisers* is available from the Civil Registrar. This book will be available on the website of the Registrar-General on 5 November 2007. Within the terms of legislation, The Church of Ireland has established its own regulatory scheme (Canon 31(2) refers) for what the Act refers to as marriages conducted by a ‘religious body’ (Civil Registration Act, Part 6 S45 definitions).

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 solemnisers;
3. The records that should be kept, independent of the records of the Registrar General.

Under the new legislation, responsibility for registration of a marriage rests on the marrying couple. They must return a completed Marriage Registration Form to the Registrar within one month of the ceremony taking place.

DEFINITIONS

Agent

A facility known as The Church of Ireland Marriage Office (RI), located in Church of Ireland House, Dublin (telephone 01 497 8422), 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 Civil Registration Act 2004.

MRF

Marriage Registration Form, issued by the civil registrar. All marriages in Republic of Ireland will proceed on foot of a Marriage Regulation Form issued by the Registrar.

Record of Marriage Book

Each parish shall maintain a Record of Marriage Book, produced by the Church of Ireland and obtainable through the Resource Centre Bookshop, Rathmines (Tel: 01 497 2821) into which shall be entered by the officiant such details of each marriage as the Church of Ireland may from time to time require.

Registrar

The civil registrar

Registered Solemnisers

Persons accepted by and included on the register of solemnisers recognized under the Civil Registration Act 2004.

THE REGULATORY SCHEME

1. The Church of Ireland Marriage Office (RI)

The Church of Ireland Marriage Office (RI), located in Church of Ireland House, Dublin (Tel: 01 497 8422), 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 Act. In cases of uncertainty, the agent shall have recourse to advice from the Provincial Registrar of Dublin.

2. Registration or Authorisation for the Solemnisation of Marriage

- (i) In each diocese of which all or part is within the territorial jurisdiction of the Republic of Ireland the bishop and all such beneficed and/or licensed clergy whose parishes or part of whose parishes are within the territorial jurisdiction of the Republic of Ireland, shall be nominated for registration to solemnise marriages under Sections 53-57 of the Civil Registration Act 2004 upon the determination of the diocesan Bishop, who shall be entitled to add the names of individual clergy with permission to officiate at his absolute discretion. Cancellation of such registration shall take place on the removal of such beneficed and/or licensed clergy from office within the territorial jurisdiction of Republic of 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 as may, from time to time be determined by the House of Bishops, wishing to solemnise a marriage in the Republic of Ireland shall apply to the bishop of the diocese or to the bishop’s commissary in which the particular marriage is to take place. Upon obtaining the Bishop’s (or the bishop’s commissary’s) provisional agreement, the clergyperson shall complete an application form obtainable from the Church of Ireland Marriage Office (RI) Tel: 01 497 8422. This form must be returned to that office together with any information which may then or thereafter be sought for transmission to the relevant bishop.
- (iii) Temporary registration for a limited period or for the purpose of solemnising a particular marriage or marriages, is at the discretion of the bishop or his/her commissary subject to the completion of the required documentation (as above S2 (ii)).

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 Registration Form in respect of that marriage issued by the Registrar;
 - (b) both parties to the marriage are present;

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- (c) there are at least two persons over the age of 18 present as witnesses;
 - (d) the place where the solemnisation takes place is open to the public;
 - (e) 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, unless in exceptional circumstances, the bishop shall determine otherwise.
- (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) Not more than two days before, or in the marriage ceremony, a declaration must be made by the two parties to the marriage, in the presence of each other, of the registered solemniser who is solemnising the marriage and of the two witnesses to the solemnisation, to the effect that neither of the two parties to the marriage knows of any impediment to the marriage.
- (iv) The ceremony should 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.**
In accordance with Section 52(1) of the Act, the place and time is to be **chosen** by the parties to the marriage **with the agreement** of the registered solemniser. The Marriage Registration Form issued under the Act 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 Registration Form, the matter shall be referred both to the bishop and to the Civil Registrar, since an alteration to the Marriage Registration Form will be required.
- (v) 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 (which must be lodged prior to the issue of the Marriage Registration Form) with the Registrar.
- (vi) The State requires three months notice; the clergy should also be given at least three months notice in order to give opportunity both for proper preparation and for the marriage ceremony. The Marriage Registration Form must be supplied, by the parties to the marriage, to the solemniser in advance of the ceremony.
- (vii) Each parish shall maintain a Record of Marriage Book into which the officiant shall enter such details of each marriage as the Church of Ireland may from time to time require.

4. General

Pursuant to Canon 31 (2), 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.

It is the duty of all clergy to maintain an up-to-date knowledge of the civil provisions on marriage and to comply with the civil law of marriage and with all liturgical and canonical rules and the provisions of these regulations.

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 the bishop's 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 the bishop's 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.

Remarriage of Divorced Persons

Clergy are bound by the provisions of Canon 31 (Paragraphs 3, 4, 5 and 6) as they apply to the remarriage of divorced persons.

Exceptional Circumstances

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.