MARRIAGE LAW

WRITTEN MINISTERIAL STATEMENT

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MINISTER OF FINANCE

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Members will be aware that earlier this year, the Department of Finance completed its public consultation on possible amendments to marriage law.

The consultation considered legislative change with regard to two aspects of the current law on marriage and civil partnership—(i) the inclusion in the marriage law of belief marriage (marriage ceremonies for people who subscribe to non-religious belief systems such as humanism); and (ii) increasing the minimum age for marriage and civil partnership from the present 16 to 18.

High Court and Court of Appeal judgments in 2017 oblige Government, on grounds of equality of treatment, to act to place belief marriage on the same legislative footing as religious marriage. While temporary arrangements are currently in place to give effect to these judgments, full equality signalled by the courts will require amendment to the current Marriage (NI) Order 2003, which recognises only civil and religious marriage. Under the existing temporary arrangements, which have now been in place for more than five years, belief marriage has become commonplace in this jurisdiction.

Additionally, people in this jurisdiction who are aged 16 and 17 can, at present, marry or enter into a civil partnership conditional on parental (or equivalent) consent. (People aged 18 and over need no consent). Only a few dozen marriages a year—and, to date, no civil partnerships—involve people aged 16 or 17.

There is considerable international and local advocacy for increasing the minimum age from 16 to 18. A number of governments have responded by increasing their minimum age for marriage and civil partnership. These include the Irish Government and the British Government, which have recently raised the minimum age to 18 in their respective jurisdictions, Dublin in 2019 and London in 2022.

My Department's recent consultation on these important issues attracted 78 responses (61 online and 17 written). Of these, 24 were submitted by organisations including the Church of Ireland, the Presbyterian and Catholic churches, NI Humanists, the National Secular Society, NICCY, NIHRC and the Family Education Trust.

Four responses were received from independent wedding celebrant businesses and one from a body that represents the interests of independent celebrants. Independent celebrants are commercial businesses (often sole traders) that provide, for a fee, wedding ceremonies which are not legally binding, i.e. that are quite literally ceremonial. The current marriage law prohibits the provision of legally binding marriage for profit. Independent celebrants and the bodies that represent them would like the law to change to enable them to provide legally binding marriages.

Finally, four stakeholder groups— the Rights and Equality Committee of the Youth Assembly, NICCY, NIHRC and NI Humanists—met with officials in my Department's Civil Law Reform Division to discuss the issues raised in the consultation.

The main findings of the consultation are as follows.

With regard to belief marriage, a majority of online respondents (approximately 70%) and all written respondents who addressed the subject were supportive that Government amend the marriage law to put belief marriage on an equal footing with religious marriage. There was little opposition to the proposal in itself. None of the three churches that responded, for example, raised any objection. While naturally noting their own preference for religious marriage, all agreed with the proposal on equality grounds.

Consultee support for increasing the minimum age for marriage and civil partnership to 18 was close to unanimous with 97% of online respondents supportive. Few favoured keeping things as they are and there was only modest enthusiasm for compromise measures such as alternative or additional forms of consent (e.g. replacing parental consent with the consent of an authoritative body such as a court or requiring the consent both of parents and an authoritative body).

Consultation responses therefore suggest clear support for including belief marriage in the marriage law on the same basis as religious marriage, and still stronger support for increasing the minimum age for marriage/civil partnership to 18.

Consultation responses were, as noted, less clear cut with regard to independent celebrants and marriage for profit. Some of the potential benefits attributed to independent celebrants—their ability to tailor a ceremony to the idiosyncratic needs the couple, the wider choice of venue—might be achieved by a further examination of the current regulations governing civil marriage to allow for greater choice of venue and more flexibility regarding the content of the ceremony. I have asked my officials to give this issue further consideration alongside legislative reform. With regard to the provision of marriage for profit, responses indicated some sympathy for independent celebrants but at the same time didn't regard a change to the law on profiting from marriage as a priority. This is an issue that can be returned to.

A full report of the consultation's findings will be published shortly which will be made available to members and placed on the Department's website.

My Department will now begin work that will allow for the preparation of legislation to enable belief marriage and raise the minimum age for marriage to 18. It will only be possible to bring forward and enact this legislation once there is a functioning Assembly and Executive.