Department of Finance
An Roinn Airgeadais
www.finance-ni.gov.uk

FROM: **GERARD WILLIS**
DoF DALO

DATE: **15 APRIL 2026**

TO: **PETER HALL**
COMMITTEE CLERK

REF GM-0321-2026

MARRIAGE AND CIVIL PARTNERSHIP BILL – COMMITTEE STAGE BRIEFING PAPER

Summary

Business Area:	**Civil Law Reform Division, DSO.**
Issue:	**This paper provides background information and an overview of the Marriage and Civil Partnership Bill for the Committee for Finance.**
Restrictions:	**None.**
Action Required:	**To note.**
Officials Attending:	**Michael Foster, Head of Civil Law Reform; Martin Tyrell, Policy Advisor-Civil Law Reform; Maurice Dowling Policy Adviser, Civil Law Reform.**

Background

The Marriage and Civil Partnership Bill (Northern Ireland) 2026 brings forward two discrete but related reforms to the law on marriage and civil partnership. The first concerns the legal recognition and regulation of belief-based marriages, and the second

raises the minimum legal age for entering into marriage or a civil partnership to 18, without exception.

The legislation is being brought forward now in order to place the existing temporary arrangements—introduced following the *Smyth* judgment—on a clear, permanent statutory footing. Those interim arrangements have functioned well, and it is both appropriate and legally robust to give them full legislative effect. The Bill ensures that belief bodies are treated on an equal basis with religious bodies, in line with ECHR principles and the direction of the courts. It provides legal certainty for couples, belief organisations and the Registrar General, and delivers the equality-of-treatment that consultation responses strongly supported.

The legislation will also strengthen safeguarding protections for children and young people by addressing the recognised risks associated with child marriage. Entering marriage at a young age can increase vulnerability to forced marriage and may limit access to education and other important life opportunities. Evidence shows that girls are more likely than boys to be affected by child marriage and are therefore particularly at risk. In recognition of these concerns, international bodies, including the United Nations, as well as local stakeholders, have recommended raising the minimum age for marriage from 16 to 18.

Overview of the Bill

Part 1 of the Bill addresses belief marriage. It amends the Marriage (Northern Ireland) Order 2003 to place belief bodies on a similar statutory footing to religious bodies for the purposes of authorisation and registration. This is achieved primarily through the insertion of references to “religious or belief bodies” throughout the 2003 Order. The provisions enable members of qualifying belief bodies to be authorised to solemnise marriages, including through both permanent and temporary authorisation mechanisms. Associated amendments update existing definitions and ensure that current protections, including exemptions relating to same-sex marriage, continue to operate as intended.

Part 2 of the Bill raises the minimum legal age for marriage and civil partnership to 18. In doing so, it removes the existing provisions that allow 16- and 17-year-olds to marry or form a civil partnership with parental or equivalent consent. The Bill makes consequential amendments to a range of primary legislation, including the Age of Marriage Act (Northern Ireland) 1951 and the Civil Partnership Act 2004. It also extends the existing forced marriage offence so that conduct intended to cause a child to enter into a marriage or civil partnership is captured within the statutory framework. The Bill includes saving provisions to protect the legal validity of marriages and civil partnerships that have been formally notified before the new age requirements come into force.

Part 3 of the Bill contains final and technical provisions. These include interpretation provisions, a power for the Department of Finance to make consequential amendments by regulations, and commencement and short title arrangements.

Key Issues

Belief Groups

The Bill, at clauses 1-4, brings belief bodies within the statutory framework for marriage by making the relevant amendments and additions to the specific parts of the Marriage (NI) Order 2003. At present, under temporary arrangements, belief groups are registered to perform marriage ceremonies in the same way as religious groups. The Bill will make that process formal. We are aware that there have been suggestions that we adopt selection criteria for belief groups, for example requiring a group to have a set number of members and to have been in existence for a set number of years. The Department, following the discussion in the Smyth case, takes the view that it must treat belief groups in the same way as religious groups—to do otherwise risks being contrary to the equality belief groups have sought. Nor ,at this stage, do we introduce additional selection criteria for religious and belief groups. The selection criteria option remains available for the future if there is need for it, but at present we wish to treat belief and religious groups with complete equality when it comes to registration. The Department will keep the matter under review as the Bill becomes law, and will consult carefully with stakeholders if and when further policy development is

deemed necessary. Internal preliminary discussions have commenced on this particular issue.

Independent Celebrants

The Bill does not contain provision that will permit independent celebrants, with no connection to an authorised religious or belief body, to legally solemnise marriage. The question of independent celebrants was considered during consultation. Only two of the 17 written submissions received—the Alliance Party and the National Secular Society submissions—were supportive of recognising independent celebrants. On the other hand, a majority (60%) of the 61 online respondents favoured recognition, although that is small relative to the majorities in favour of belief marriage and an increased minimum age. Moreover, it is complicated by the fact that a majority of the online respondents also opposed the provision of marriage ceremonies on a commercial basis and a majority saw risks in allowing marriage for profit. It was partly on account of these mixed signals that the then Finance Minister, Conor Murphy MLA, chose not to proceed with legislation on independent celebrants. This position has since been adopted by the current Finance Minister and the Executive.

Recognising independent celebrants requires that we end the current prohibition on marriage for profit. We could not make that change solely for independent celebrants. For equality reasons, it would have to apply to all marriage celebrants—religious, belief and independent. Therefore, all types of celebrant would be able to operate commercially if we legislated for independent celebrants. This would mean a fundamental change to our marriage law, which has been working well for more than twenty years, a change that has no precedent on these islands. Consultation responses also indicated mixed views: while some online respondents favoured recognition, concerns were simultaneously raised regarding commercialisation and the risks associated with marriage for profit. Given the complexity of the issue and the absence of clear stakeholder consensus, it would not be prudent to delay the widely supported reforms in this Bill. However, the Department remains open to reviewing the matter in future once fuller evidence is available.

Minimum Age

The Bill introduces a clear, universal minimum age of 18 for both marriage and civil partnership (see Part 2, in particular clauses 5 and 7).

The primary reason for introducing a minimum age of 18 for marriage and civil partnership is to address the recognised risk associated with child marriage. Although there is no evidence that the small number of marriages involving 16- and 17-year-olds in this jurisdiction are forced or that those entering such marriages have been prevented from pursuing education or other life opportunities, international bodies, including the United Nations, have identified child marriage as an inherently risky practice. Key stakeholders, both locally and internationally, accept that these risks are genuine and warrant preventative action. Legislating to prohibit marriage under the age of 18 therefore reflects a precautionary approach and aligns us with wider international efforts aimed at eliminating child marriage. It also sets an example for other countries who may still permit the practice of child marriage.

In practice, the number of individuals affected each year is relatively small. Only a few dozen marriages annually involve a person or persons aged 16 or 17, and to date no civil partnerships have involved individuals under the age of 18. In addition, not all of those marrying at 16 or 17 in any given year are normally resident in this jurisdiction.

The latest figures provided by NISRA are:

Marriage Statistics for under 18 year olds									
	Marriages by sex				Marriages where at least one partner was under 18		Male (outside NI)	Female (outside NI)	Male (outside NI but rUK)	Female (outside NI but rUK)
	Females	Males	Total							
2020	24	7	31		25		7	22	1	3
2021	39	15	54		47		15	35	1	2
2022	36	9	45		39		9	27	0	1
2023	33	10	43		34		9	33	0	7
2024	37	7	44		38		7	35	1	7

However, while the annual figures are modest, over a period of 10 to 15 years they equate to several hundred individuals, underscoring the cumulative impact of retaining the current legal position.

Raising the minimum age will affect the plans of a limited number of individuals, who will be required to defer marriage for a relatively short period, generally around one year. This impact is considered proportionate when weighed against the potential long-term benefits of ending child marriage. The Bill also includes saving provisions to ensure that any young person who has already formally lodged notice of marriage with the General Register Office will still be able to proceed with their marriage, even if the law comes into force before the date of their planned ceremony.

Consultation responses from faith groups reflected differing views. Of the three churches that responded, the Catholic Church and the Church of Ireland both supported increasing the minimum age for marriage to 18. The Presbyterian Church did not support the proposal, expressing concern that the age of sexual consent would not also be raised.

Consideration of the minimum age for marriage inevitably gives rise to questions about its relationship with the age of sexual consent. It may therefore be helpful to clarify at the outset that the age of consent and the minimum age for marriage sit within different legislative frameworks and pursue different policy objectives. Responsibility for the age of consent lies with the Department of Justice.

There is no legal requirement for the minimum age for marriage to correspond to the age of consent, and historically the two have differed and served distinct purposes. The purpose of the marriage reform in this area is not to revisit the age of consent, but to prevent child marriage and strengthen safeguarding protections.

Concerns have also been raised that increasing the minimum age for marriage could have a disproportionate impact on the Traveller community. However, the policy applies universally and is designed to protect all children irrespective of background. Importantly, the only submission received from a Traveller-representative organisation—the Craigavon Travellers' Support Committee—expressly supported raising the

minimum age to 18. The Bill therefore reflects both the wider safeguarding evidence and the views expressed by stakeholders within the Traveller community.

Impact Considerations

The implementation of the Bill will have operational implications for the General Register Office, which will be required to update guidance, application forms, staff training, and relevant IT systems. However, this is deemed to be relatively straightforward to effect. Belief-based organisations seeking recognition under the amended framework may also require support and engagement to ensure a clear understanding of the new statutory arrangements.

From a safeguarding perspective, raising the minimum age for marriage and civil partnership to 18 strengthens protections for children and aligns us more closely with the position in neighbouring jurisdictions. The extension of the forced marriage offence will have implications for enforcement agencies, including the Police Service of Northern Ireland and the Public Prosecution Service, and may necessitate updated operational guidance.

Stakeholder Groups Affected

The provisions in the Bill will be of direct relevance to belief-based organisations, such as humanist and philosophical belief groups, seeking to solemnise marriages. They will also affect religious bodies already operating under the 2003 Order, registrars and the General Register Office, and young people who would previously have been eligible to marry or form a civil partnership at 16 or 17.

Delegated Powers Memorandum

A Delegated Powers Memorandum is included at Annex A to support the Committee's scrutiny of the Bill.

Summary for Members

The Bill introduces two related reforms: the formal statutory recognition of belief-based marriages and the introduction of a clear minimum age of 18 for marriage and civil partnership. The Bill places existing interim arrangements for belief marriage, introduced following the Smyth judgment, on a permanent and legally robust footing, ensuring equal treatment of belief and religious bodies and providing clarity for couples, organisations and the Registrar General. It also strengthens safeguarding by prohibiting child marriage, reflecting a precautionary approach aligned with international standards while remaining distinct from the separate legal framework governing the age of consent. Overall, the legislation modernises the law, enhances legal certainty, and delivers reforms that are widely supported and proportionate in impact.

GERARD WILLIS
DALO

ANNEX A

MARRIAGE AND CIVIL PARTNERSHIP BILL

DELGATED POWERS MEMORANDUM

INTRODUCTION

This memorandum identifies provisions in the Marriage and Civil Partnership Bill for delegated powers to the Department to make subordinate legislation. Identifying the relevant clause in the Marriage and Civil Partnership Bill, it explains:

- the purpose of the delegated powers taken;
- why the matter is to be left to delegated legislation rather than placed on the face of the Bill; and
- the choice of Assembly control for each power.

This memorandum should be read in conjunction with the Explanatory and Financial Memorandum (EFM) accompanying the Bill.

Drafts of the regulations referred to in this memorandum are not currently under consideration and therefore are available.

Requirement that the Registrar General must refuse to register members of a religious or belief body if the body does not meet such qualifying requirements as may be prescribed

Draft Affirmative Procedure

Clause 1 of the Marriage and Civil Partnership Bill amends Article 10 of the Marriage (Northern Ireland) Order 2003 to extend to belief bodies the provisions whereby a body may apply for a member to be registered as an officiant to solemnise a marriage under Article 11 of the 2003 Order.

Article 10(2)(a) of the 2003 Order requires the Registrar General to refuse to register a person under Article 11 if he considers that the body making the application is not a religious body. Clause 1(2)(c) of the Marriage and Civil Partnership Bill extends this provision in the 2003 Order to include a belief body in that consideration.

Clause 1(2)(d) of the Marriage and Civil Partnership Bill inserts an additional requirement into Article 10 the 2003 Order whereby the Registrar General must refuse to register a person if the body making the application does not meet such qualifying requirements as may be prescribed.

Clause 4(9)(a) of the Marriage and Civil Partnership Bill inserts a new provision into Article 39 of the 2003 Order whereby regulations under Clause 1(2)(d) must be made via the affirmative resolution procedure.

The choice of delegated power is based on:

- the need for flexibility to adapt to the emergence of belief and religious bodies not yet developed in Northern Ireland and to consider the need to impose additional requirements. This will allow the Department to react quickly in circumstances where the framework requires changes, without having to bring forward primary legislation;
- precedent in Scotland where delegated power was the choice employed in Section 8 of the Marriage (Scotland) Act 1977, as amended;
- the fact that Scotland is presently consulting on employing these powers to set qualifying requirements.

Assembly control of affirmative resolution was selected using:

- the fact that affirmative procedure is appropriate for sensitive or contentious policy issues where a higher degree of scrutiny is sought. While the Department noted that the Scotland legislative framework, which contains a similar power, requires the simpler form of negative resolution, the Department considered that if such changes were brought forward, the Assembly should be given the opportunity to debate them.

In addition, the underlying policy to the proposals contained in the Marriage and Civil Partnership Bill was set out for and agreed by the Executive on 26 September 2024. The Bill, including the regulation-making powers by affirmative resolution, was agreed by the Executive on 26 February 2026 and for introduction to the Assembly, including the affirmative resolution for the subordinate legislation.

Requirement that the Registrar General must not grant a religious or belief body temporary authorisation to solemnise a marriage if the body does not meet such qualifying requirements as may be prescribed

Draft Affirmative Procedure

Clause 2 of the Marriage and Civil Partnership Bill amends Article 14 of the Marriage (Northern Ireland) Order 2003 to extend the power of the Registrar General to grant temporary authorisation to solemnise a marriage to belief bodies.

Clause 2(4) of the Bill inserts an additional requirement into Article 14 of the 2003 Order whereby the Registrar General must not grant such authority where it is considered that the religious or belief body of which the applicant is a member does not meet such qualifying requirements as may be prescribed.

Clause 4(9) of the Marriage and Civil Partnership Bill inserts a new provision into Article 39 of the 2003 Order whereby regulations under Clause 2(4) must be made via the affirmative resolution procedure.

The choice of delegated power is based on:

- the need for flexibility to adapt to the emergence of belief and religious bodies not yet developed in Northern Ireland and to consider the need to impose additional requirements. This will allow the Department to react quickly in circumstances where the framework requires changes, without having to bring forward primary legislation;
- precedent in Scotland where delegated power was the choice employed in Section 12 of the Marriage (Scotland) Act 1977, as amended;
- the fact that Scotland is presently consulting on employing these powers to set qualifying requirements.

Assembly control of affirmative resolution was selected using:

- the fact that affirmative procedure is appropriate for sensitive or contentious policy issues where a higher degree of scrutiny is sought. While the Department noted that the Scotland legislative framework, which contains a similar power, requires the simpler form of negative resolution, the Department

considered that if such changes were brought forward, the Assembly should be given the opportunity to debate them.

In addition, the underlying policy to the proposals contained in the Marriage and Civil Partnership Bill was set out for and agreed by the Executive on 26 September 2024. The Bill, including the regulation-making powers by affirmative resolution, was agreed by the Executive on 26 February 2026 and for introduction to the Assembly, including the affirmative resolution for the subordinate legislation.

Power to make consequential provisions

Draft Affirmative Procedure

Clause 12 (1) of the Marriage and Civil Partnership Bill permits the Department to make provision via regulations that is consequential on any provision made by the Bill following its enactment.

Clause 12(2) provides that any such regulations may amend, repeal or otherwise modify any statutory provisions whenever passed or made.

Clause 12(3) provides examples of the kind of consequential provisions that may be included in any such regulations: incidental, supplementary, transitional, transitory or saving provisions.

Clause 12(4) permits the Department, via draft affirmative procedure, to amend re-peal or otherwise modify Northern Ireland legislation or an Act of Parliament as may be required and necessary to deliver policy following passage of the Bill.

The choice of delegated powers is based on:

- ensuring that the statute book remains coherent, functional, and consistent following passage of the Bill;
- ensuring that the Department can respond to changes to the law which affect the Bill.

Assembly control of affirmative resolution was selected using:

- the generality that where a delegated legislative power will amend, repeal or otherwise modify primary legislation there is a presumption in favour of the affirmative procedure for regulations made under the power so the Assembly will have the opportunity to scrutinise and debate.

In addition, the underlying policy to the proposals contained in the Marriage and Civil Partnership Bill was set out for and agreed by the Executive on 26 September 2024. The Bill, including the regulation-making powers by affirmative resolution, was agreed by the Executive on 26 February 2026 and for introduction to the Assembly, including the affirmative resolution for the subordinate legislation to make consequential provisions.

Negative Procedure

Clause 12(5) of the Marriage and Civil Partnership Bill requires any regulations made under Clause 12(1), that do not come within Clause 12(4), to be made via negative resolution procedure.

The choice of delegated power is based on:

- ensuring that the statute book remains coherent, functional, and consistent following passage of the Bill;
- ensuring that the Department can respond to changes to the law which affect the Bill.

Assembly control of negative resolution was selected using:

- the generality that negative resolution procedure strikes the appropriate balance for Assembly scrutiny where a delegated legislative power will make consequential amendments to secondary legislation which are not substantive in nature;

- the fact that it provides flexibility and speed to allow for consequential changes to be made which give effect to the policy where necessary, rather than require Assembly involvement in matters of this nature;

- the precedent in Article 39 of the Marriage (Northern Ireland) Order 2003 whereby consequential provision may be made subject to negative resolution.