REQUEST FROM: FINANCE COMMITTEE – DALO READOUT - MEETING WEDNESDAY 3 June 2026

Point 2 – RaIse Questions

Response –

The Department notes the questions presented by the RaIse researchers and provides its responses below.

Belief bodies: registration of members to solemnise marriage
Clause 4(9)(a) states that regulations made under this proposed Article 10(2)(aa) would need to be laid before, and approved by, the Assembly.

1. *Under what circumstances such requirements might be necessary?*

The Department considers that the current law has been operating well with regard to the registration of religious bodies and their officiants and, latterly, under temporary arrangements since 2017, with regard to religious and belief bodies and their officiants and celebrants. However, should issues be identified with the registration of groups and individuals following the enactment of the Bill, regulations relating to criteria for the registration of belief or religious bodies and their celebrants may be required. Any regulations would be developed in line with the usual policy-making process, including stakeholder engagement and public consultation, and would be subject to the scrutiny of the Assembly through the affirmative procedure.

2. *What qualifying requirements may be relevant?*

It is not possible at this stage to set out definitive qualifying requirements, as these would depend on any issues identified following enactment and would be informed by future policy development. In developing such policy, the Department will take account of relevant developments in other jurisdictions, including Scotland, which has recently consulted on these issues, and the criteria-based system in operation in the Republic of Ireland. Any policy relating to qualifying requirements would be subject to consultation, and to Assembly scrutiny under the affirmative procedure.

Belief marriage: definitions

3. *Does the Bill appropriately balance flexibility to accommodate different belief groups and legal certainty outlining clear rules for recognition?*

   It is the view of the Department that the current system, which has been sufficiently flexible to accommodate the diversity of religious groups in Northern Ireland, will be able to do so for belief groups as well. Indeed, it has, in effect, been doing so since the temporary arrangements introduced in 2017. The Department considers that this demonstrates a continuing balance between flexibility and legal certainty. However, as noted, the option remains of moving to stricter criteria should problems be identified with the existing registration arrangements.

4. *How does the proposed framework differ from the current temporary arrangements following the Smyth case?*

   In practical terms, there is no material difference between the current temporary arrangements and the proposed framework. The existing position in relation to belief marriages following the *Smyth* judgment, has operated by effectively reading belief marriages into the current legislative framework. The Bill cements into law what is already in place. It provides for equal treatment between belief and religious marriages by placing the temporary arrangements on a clear and explicit statutory footing. This provides legal certainty and transparency but does not change how the system operates in practice for belief bodies and their celebrants.

5. *Is the Department satisfied that the definition included in the Bill will help to safeguard against sham marriage?*

   Our understanding of a sham marriage is that it is a nominal marriage arranged to secure the benefits or advantage rather than reflecting a genuine relationship between the parties. The Department's understanding is that sham marriage is not currently a significant issue in Northern Ireland. Safeguards in this area are primarily provided through the wider statutory framework governing marriage, including notice requirements, registration processes, and oversight by the General Register Office. We do not see that the definition of belief group included in the Bill will either increase or decrease the risk of sham marriage

Offence of conduct relating to marriage of persons under 18

6. *Has the Department of Finance consulted with the Department of Justice on this proposed offence?*

The Department is in engaging with the Department of Justice regarding the proposed offence.

7. *What planning has the Department done or will do in relation to the implementation of the proposed offence?*

   The Department is engaging with the Department of Justice and will work closely with that Department with regards to the implementation of the proposed offence.

Part 3 – Final Provisions

8. *Are the regulation making powers proposed in the Bill reasonable?*

   It is the view of the Department that the regulation-making powers in the Bill are reasonable. The consequential powers in Part 3 are standard for Bills of this type. They will ensure that the statute book remains coherent, functional, and consistent following passage of the Bill, and that the Department can respond to changes to the law which affect the Bill. Affirmative procedure will amend primary legislation where the regulations will be subject to scrutiny by the Committee and debated by the Assembly. Negative procedure will be used otherwise. This provides flexibility and speed and 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.

Extract of scrutiny points from: NIAR-92-2026: Review of Costs: Marriage and Civil Partnership Bill
GRONI system and administrative costs:

9. *The General Register Office for Northern Ireland (GRONI) has confirmed that changes to printed forms and IT functionality would be expected if the Bill would be enacted as introduced. Will a full implementation cost assessment be carried out by GRONI; and what would be the likely timescale for that assessment to be undertaken and its results published?*

   We understand GRONI has advised that costs cannot be accurately assessed until final legislative requirements are known. We have however engaged with GRONI to ask whether a full implementation cost assessment will be carried out by them and have sought information on what the likely timescale would be for such an assessment and the results to be published.

Non-legally binding ceremonies:

10. *GRONI has confirmed that it holds no data on non-legally binding marriage ceremonies involving under-18s. Does DoF or any other body – for example, the Police Service of Northern Ireland (PSNI) – hold relevant data, given that this affects both the scope of the Clause 6 offence and the associated policing and prosecution costs?*

    The Department does not hold data on non-legally binding ceremonies because they fall outside the statutory registration system The Department's primary interest in non-legally binding ceremonies organised by independent celebrants has been in the context of the debate on whether independent celebrants should be enabled to provide legally binding marriages. There is no evidence base to suggest that such ceremonies here are widespread or that they present a risk in terms of the new offence in Clause 6. However, the Department is engaging with DoJ in relation to any data they may hold.

PSNI and criminal justice costs:

11. *Has any assessment been conducted of the expected costs to the PSNI, the Public Prosecution Service (PPS), the Northern Ireland Courts and Tribunals Service (NICTS), and the Legal Services Agency Northern Ireland (LSANI) arising from the new Clause 6 offence, given that the IAs in England and Wales and the BRIA in Scotland both provide estimates for equivalent institutions? (The EFM for the introduced Bill in Northern Ireland does not.)*

    A decision was taken to not to carry out an assessment of expected PSNI and criminal justice costs relating to this Bill. NISRA figures show that for the five years between 2020 - 2024 on average approximately 37 marriages were conducted per year where at least one partner was under 18 and that no civil partnerships have involved people under 18. When considered against the total number of marriages for the same period, they make up an average of just 0.54%. There is no evidence that any of these marriages involving under-18s were forced marriages. In that context, the Department considers that any associated costs for the police, prosecution, or courts in relation to the new offence in Clause 6 of the Bill are expected to be limited. This is supported by the RaISe paper which suggests that, when applying proportional scaling, prosecutions could amount to approximately one every 32 years.

Communications activity:

12. *Has the DoF assessed whether public awareness activity associated with the change in the minimum age could be absorbed within existing DoF communications budgets, consistent with the approach taken in Scotland?*
    The Department has not carried out an assessment of whether public awareness activity associated with the change in the minimum age could be

absorbed within existing DoF communications budgets and is engaging with GRONI in relation to the issue of public awareness activity. However, evidence from Scotland suggests that such costs can be absorbed within existing resources, rather than requiring dedicated funding.

Qualifying requirements:

13. *Has the DoF formed any intention as to whether, and within what timeframe, the powers proposed in Clauses 1(2)(d) and 4(9) of the introduced Bill would be likely to be exercised? (A decision to exercise those powers would activate the contingent costs for GRONI and belief bodies identified in the Scottish qualifying requirements BRIA.)*

    The Department will use the power to regulate only if there is an evidence-based need to do so once the Bill has been enacted. If the Department were to introduce additional criteria, this this would be subject to the usual policy development process, including stakeholder engagement and public consultation. Any resultant draft regulations introducing qualifying requirements would then be subject to the appropriate scrutiny offered by the affirmative procedure. This would be expected to take place over an appropriate development and implementation period.