

Marriage and Civil Partnership Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Finance had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Marriage and Civil Partnership Bill would be within the legislative competence of the Northern Ireland Assembly.”

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A

BILL

TO

Make provision as to the persons who may solemnise marriage; to make provision about the minimum age for marriage and civil partnership; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

PART 1

BELIEF MARRIAGE

Belief bodies: registration of members to solemnise marriage

1.—(1) The 2003 Order is amended as follows.

5 (2) In Article 10 (application by religious bodies for registration of member to solemnise marriages)—

- (a) in the heading, after “religious” insert “or belief”;
- (b) in paragraph (1), after “religious” insert “or belief”;
- (c) in paragraph (2)(a), after “religious” insert “or belief”;
- 10 (d) after paragraph (2)(a), insert—

“(aa) the body making the application does not meet such qualifying requirements as may be prescribed;”;

- (e) in paragraph (2A), after “religious” insert “or belief”;
- (f) in paragraph (2B), after “religious” insert “or belief”;
- 15 (g) in paragraph (5), after “religious” insert “or belief”.

(3) In Article 11(4) (religious body to notify Registrar General), after “religious” insert “or belief”.

(4) In Article 13(1) (appeals), after “religious” insert “or belief”.

Belief bodies: temporary authorisation to solemnise marriage

2.—(1) Article 14 of the 2003 Order (temporary authorisation to solemnise religious marriage) is amended as follows.

(2) In the heading, after “religious” insert “or belief”.

5 (3) In paragraph (1), after “religious” insert “or belief”.

(4) After paragraph (1), insert—

10 “(1ZA) The Registrar General must not grant an authorisation to a person under paragraph (1) if the Register General considers that the religious or belief body of which the person is a member does not meet such qualifying requirements as may be prescribed.”.

(5) In paragraph (1A), after “religious” insert “or belief”.

Belief marriage: definitions

3.—(1) The 2003 Order is amended as follows.

(2) In Article 2(2) (interpretation)—

15 (a) in the definition of “governing authority”, after “religious” insert “or belief”;

(b) for the definition of “religious body” substitute—

““religious or belief body” means an organised group of people—

(a) which meets regularly for common religious worship; or

20 (b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs;”;

(c) for “religious marriage” substitute “religious or belief marriage”.

(3) In the cross-heading preceding Article 9A (governing authority of a religious body), after “Religious” insert “or belief”.

25 (4) In Article 9A—

(a) in the heading, after “religious” insert “or belief”;

(b) in paragraph (1)(a) and (b), after “religious” insert “or belief”.

Belief marriage: further provision

4.—(1) The 2003 Order is amended as follows.

30 (2) In Article 6(3)(c) (objections), after “religious” insert “or belief”.

(3) In Article 7 (marriage schedule), in each of paragraphs (2), (3) and (5), after “religious” insert “or belief”.

(4) In Article 7A(4) (marriage notice: false information or evidence), after “religious” insert “or belief”.

35 (5) In Article 15 (solemnisation of religious marriage)—

(a) in the heading, after “religious” insert “or belief”;

(b) in paragraph (1), after “religious” insert “or belief”;

- (c) in paragraph (2), after “religious”, in both places it occurs, insert “or belief”.
- (6) In Article 16 (registration of religious marriage)—
- (a) in the heading, after “religious” insert “or belief”;
- 5 (b) in paragraph (1), after “religious” insert “or belief”.
- (7) In Article 17(1) (Registrar’s power to require delivery of marriage schedule), after “religious” insert “or belief”.
- (8) In Article 17A (marriages of same-sex couples: protection from compulsion)—
- 10 (a) in paragraph (3), after “religious” insert “or belief”;
- (b) in paragraph (4), in the opening words, for “religious body” in both places it occurs substitute “religious or belief body”;
- (c) in paragraph (4)(b), after “religious” insert “or belief”;
- (d) in paragraph (4)(e), after “religious” insert “or belief”;
- 15 (e) in paragraph (5), after “religious” insert “or belief”;
- (f) in paragraph (6), for the definition of “religious premises” substitute—
- ““religious or belief premises” means premises which—
- (a) are owned, or controlled, by—
- (i) a religious or belief body, or
- 20 (ii) a person acting on behalf of or under the auspices of a religious or belief body, and
- (b) are not premises where the sole or main purpose for which they are used is commercial.”.
- (9) In Article 39 (regulations)—
- 25 (a) before paragraph (1), insert—
- “(A1) Regulations may not be made under Articles 10(2)(aa) or 14(1ZA) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.
- (b) in paragraph (1), for “Regulations” substitute “Any other regulations made”.
- 30 (10) Part 1 of the Schedule contains consequential amendments in connection with this Part.

PART 2

MINIMUM AGE FOR MARRIAGE OR CIVIL PARTNERSHIP

Marriage

35 **Raising of minimum age for marriage**

- 5.—(1) The 2003 Order is amended as follows—
- (a) in Article 2(2) (interpretation), omit the definition of “young person”;
- (b) in Article 6(6)(c) (legal impediment to marriage), for “16” substitute “18”;

(c) omit Articles 22 to 24 (and the cross-heading immediately preceding Article 22) (marriage of person under 18);

(d) in Article 38(2)(d) (offences), omit “, 22”.

(2) The Age of Marriage Act (Northern Ireland) 1951 is amended as follows—

5 (a) in the heading of section 1, for “sixteen” substitute “eighteen”;

(b) in section 1(1), for “sixteen” substitute “eighteen”.

Offence of conduct relating to marriage of persons under 18

10 **6.**—(1) Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (offence of forced marriage) is amended as follows.

(2) After subsection (1), insert—

15 “(1A) A person commits an offence if he or she carries out any conduct for the purpose of causing a child to enter into a marriage before the child's eighteenth birthday (whether or not the conduct amounts to violence, threats, any other form of coercion or deception, and whether or not it is carried out in Northern Ireland).”.

(3) In subsection (2)—

(a) after “(1)” insert “or in subsection (1A)”;

(b) for “that subsection” substitute “either of those subsections”.

20 (4) After subsection (6), insert—

“(6A) A person commits an offence under subsection (1A) only if—

(a) the conduct is for the purpose of causing the child to enter into a marriage in Northern Ireland,

25 (b) at the time of the conduct, the person or child is habitually resident in Northern Ireland, or

(c) at the time of the conduct, the child is a UK national who—

(i) has been habitually resident in Northern Ireland, and

(ii) is not habitually resident or domiciled in Scotland.”.

Civil partnership

30 Raising of minimum age for civil partnership

7.—(1) The 2004 Act is amended as follows.

(2) In section 138(1)(c) (eligibility), for “16” substitute “18”.

(3) Omit section 145 (parental etc. consent where proposed civil partner under 18) and the cross-heading immediately preceding that section.

Civil partnerships registered outside Northern Ireland

8.—(1) The 2004 Act is amended as follows.

(2) In section 177 (validity of civil partnerships registered outside Northern Ireland)—

- 5 (a) omit the “and” at the end of subsection (2)(a);
(b) after subsection (2)(a), insert—

“(aa) void, if the civil partnership was registered when—

- (i) one of the two people was domiciled in Northern Ireland, and
(ii) one of the two people was under 18, and”.

10 (3) In section 217 (person domiciled in a part of the United Kingdom), in subsection (6), in paragraph (a), for “16” substitute “18”.

Supplementary

Minimum age for marriage and civil partnership: consequential amendments

15 9. Part 2 of the Schedule contains minor and consequential amendments in connection with this Part.

Saving provision

10.—(1) An amendment made by this Part does not affect the validity of—

- (a) any marriage solemnised, or
(b) any civil partnership registered,

20 before the date on which this Part comes into operation (“the relevant date”).

(2) Where, in a case where either party to an intended marriage would be under the age of 18 on the date of solemnisation specified in a marriage notice—

- 25 (a) the marriage notice has been given by each party under Article 3 of the 2003 Order before the relevant date, and
(b) the relevant consents required under Article 22 of the 2003 Order have been given and produced to the registrar, or an order dispensing with those consents has been made under Article 23 of the 2003 Order, before the relevant date, and

30 (c) the marriage has not been solemnised before the relevant date,
the marriage notice, relevant consents and any such order continue to be valid in relation to the intended marriage as specified in the notice, and the amendments made by sections 5 and 6 and Part 2 of the Schedule do not apply in relation to the intended marriage.

35 (3) Where, in a case where a person (“P”) who is a party to an intended marriage which is to take place in a country or territory outside the United Kingdom resides in Northern Ireland and would be under the age of 18 on the date of solemnisation specified in a marriage notice given under Article 8 of the 2003 Order—

- (a) the marriage notice has been given by P under that Article before the relevant date, and

- (b) the registrar, before the relevant date, was satisfied for the purposes of paragraph (3) of that Article that P is not subject to any legal incapacity under the law of Northern Ireland which would prevent P from marrying (whether or not a certificate confirming that decision has yet been issued to the person under that paragraph), and
- 5
- (c) the marriage has not been solemnised before the relevant date, the marriage notice and the registrar’s decision about P’s legal capacity to marry continue to be valid in relation to the intended marriage as specified in the notice, and the amendments made by sections 5 and 6 and Part 2 of the Schedule do not
- 10
- apply in relation to the intended marriage.
- (4) Where, in a case where either party to a proposed civil partnership would be under the age of 18 on the date of registration specified in a civil partnership notice—
- (a) the civil partnership notice has been given by each party under section
- 15
- 139 of the 2004 Act before the relevant date,
- (b) the consents required under section 145 of the 2004 Act have been given and produced to the registrar, or an order dispensing with those consents has been made under Part 2 of Schedule 13 to the 2004 Act, before the relevant date, and
- 20
- (c) the civil partnership has not been registered before the relevant date, the civil partnership notice, such consents and any such order continue to be valid in relation to the proposed civil partnership as specified in the notice, and the amendments made by section 7 and Part 2 of the Schedule do not apply in relation to the proposed civil partnership.
- 25
- (5) The amendment made by section 8(3) does not affect the treatment as a civil partnership of an overseas relationship that is registered under the relevant law as having been entered into before the relevant date.
- (6) In this section—
- “civil partnership notice” has the same meaning as in Chapter 1 of Part 4
- 30
- of the 2004 Act (see section 160 of that Act);
- “marriage notice” has the same meaning as in the 2003 Order (see Article 3(2) of that Order);
- “overseas relationship” has the same meaning as in the 2004 Act (see section 212(1) of that Act);
- 35
- “the registrar”—
- (a) in subsections (2) and (3), has the same meaning as in the 2003 Order (see Article 2(2) of that Order);
- (b) in subsection (4), has the same meaning as in Chapter 1 of Part 4 of the 2004 Act (see section 160 of that Act).
- 40
- “the relevant date” has the meaning given in subsection (1);
- “the relevant law” has the same meaning as in Chapter 2 of Part 5 of the 2004 Act (see section 212(2) of that Act).

PART 3

FINAL PROVISIONS

Interpretation

11. In this Act—

5 “the 2003 Order” means the Marriage (Northern Ireland) Order 2003;

 “the 2004 Act” means the Civil Partnership Act 2004.

Power to make consequential provision

12.—(1) The Department of Finance may by regulations make provision that is consequential on any provision made by this Act.

10 (2) Regulations under this section may, in particular, amend, repeal or otherwise modify any statutory provision (whenever passed or made).

(3) The power to make regulations under this section includes power to make incidental, supplementary, transitional, transitory or saving provision.

15 (4) Regulations under this section which amend, repeal or otherwise modify a provision of Northern Ireland legislation or an Act of Parliament may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(5) Any other regulations under this section are subject to negative resolution.

20 (6) In subsection (2), “statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Short title and commencement

13.—(1) This Act may be cited as the Marriage and Civil Partnership Act (Northern Ireland) 2026.

25 (2) This section and section 12 come into operation on the day after the day on which this Act receives Royal Assent.

(3) The other provisions of this Act come into operation at the end of the period of two months beginning with the day on which this Act receives Royal Assent.

SCHEDULE

Sections 4(10) and 9.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

5 BELIEF MARRIAGE

Marriage Regulations (Northern Ireland) 2003 (SR 2003/468)

1. In regulation 20(2)(b), for “religious body or religious practice” substitute “religious or belief body, or religious or belief practice”.

Civil Partnership Regulations (Northern Ireland) 2005 (SR 2005/482)

- 10 2. In regulation 12—
- (a) in paragraph (2)(b), for “religious body or religious practice” substitute “religious or belief body, or religious or belief practice”;
- (b) after paragraph (4), insert—
- 15 “(5) In paragraph (2)(b), “religious or belief body” has the same meaning as in the Marriage (Northern Ireland) Order 2003.”.

Forced Marriage (Civil Protection) Act 2007 (c. 20)

3. In Schedule 1, in the definition of “marriage” in paragraph 16, for “religious or civil” substitute “religious, civil or other”.

20 *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) 2015 (c. 2)*

4. In section 16, in the definition of “marriage” in subsection (4), for “religious or civil” substitute “religious, civil or other”.

The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015 (SI 2015/404)

- 25 5. In regulation 18—
- (a) in paragraph (2)(y), for “civil or religious one” substitute “civil marriage or a religious or belief marriage”;
- (b) in paragraph (3), for ““religious marriage”” substitute ““religious or belief marriage””.

30 PART 2

AGE OF MARRIAGE AND CIVIL PARTNERSHIP

Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)

6. In Article 13(1)(b), for “16” substitute “18”.

Perjury (Northern Ireland) Order 1979 (NI 19)

7. In Article 8(1A), omit sub-paragraph (c).

Children (Northern Ireland) Order 1995 (NI 2)

5 8. Omit paragraph 31 of Schedule 8 (and the cross-heading “Marriage consents” preceding it).

Marriage Regulations (Northern Ireland) 2003 (SR 2003/468)

9. Omit—

- (a) regulation 11 and Schedule 9;
- (b) regulation 12.

10 *Civil Partnership Act 2004 (c. 33)*

10. Omit—

- (a) section 176(a);
- (b) Schedule 13.

Civil Partnership Regulations (Northern Ireland) 2005 (SR 2005/482)

15 11. Omit—

- (a) regulation 28 and Schedule 5;
- (b) regulation 29.

Adoption and Children Act (Northern Ireland) 2022 (c. 18)

12. In Schedule 3, omit paragraph 60 (and the cross-heading preceding it).

Marriage and Civil Partnership Bill

[AS INTRODUCED]

A Bill to make provision as to the persons who may solemnise marriage; to make provision about the minimum age for marriage and civil partnership; and for connected purposes.

Introduced by: Mr John O'Dowd, Minister of Finance

On: 16 March 2026

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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