

**Inter-Departmental Committee on
Reform of Marriage Law**

Position Paper No. 3

Marriage Venues

December 2003

1 Introduction.

1.1 The Inter-Departmental Committee has been established by Government to review current marriage procedures and to bring forward a universally applicable framework of clear and simple procedures, which will underpin the solemnity of the marriage contract.

1.2 The key objectives are to:

- Provide a universal system/framework that recognises and underpins marriage as a solemn contract;
- Streamline procedures;
- Provide clarity on formalities to be observed.

1.3 The provisions regarding the registration of venues for marriages are contained in a number of Acts from 1844 onwards. For the State, the key concern is that a marriage is a public act and that it takes place in a location with a sufficient degree of dignity to mark the solemnity of the event. This paper sets out the current provisions with regard to marriage venues and proposals for reform.

2 Current Provisions in Relation to Marriage Venues.

2.1 The current rules and procedures in relation to venues are directly related to the type of licences for marriage. These rules restrict venues to a place of public worship i.e. chapel or meeting house, or building registered as a place of public worship under the Marriages Acts. The exceptions include civil marriage solemnised by a registrar of marriages or a marriage by special licence, which may be solemnised in a place other than a church or registered building. Venues for marriage between Roman Catholics are not regulated by statute. As a result, rules in relation to venues are not universally applicable to all denominations, or to a marriage solemnised by civil ceremony.

2.2 An tArd-Chláraitheoir (Registrar General) maintains a central register of churches and registered buildings where marriages may be solemnised. This register does not include Roman Catholic churches, which are not required to be registered.

2.3 The current procedures for inclusion in the register are as follows:

Church of Ireland: Bishops may licence any church or chapel in their district for the celebration of marriages and send a certificate of such licence to An tArd-Chláraitheoir (Marriages Ireland Act 1844 and also the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870).

Presbyterian Church: Ministers may certify churches within their presbytery for the solemnisation of marriage and send a copy of the certificate to An tArd-Chláraitheoir (Marriages Ireland Act 1844).

Other Denominations: A person must make an application to An tArd-Chláraitheoir for the registration of a building for the solemnisation of marriages. The procedure requires an application from 10 householders together with plans of the building. The building may be registered following an inspection by the registrar of marriages for the district.

Roman Catholic Church: Venues for a marriage between two Roman Catholics are not regulated by statute (Registration of Marriages (Ireland) Act 1863). The stated policy of the Roman Catholic Church, that the parish church or other chapel or oratory is the appropriate venue for a marriage, coincided with the position adopted by the State in relation to venues for marriage.

- 2.4 A marriage between a Roman Catholic and a person of another persuasion is required to be solemnised in a Roman Catholic church or chapel in accordance with the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870.

Special licence venues

- 2.5 The following bodies may issue special licences dispensing with the need for marriage to take place in a church or registered building:
- Church of Ireland
 - Presbyterian Church
 - The Congregationalist Union
 - Methodist Church
 - Baptist Church
 - Society of Friends
 - Jewish community.

- 2.6 This confers certain rights and privileges which are not available to marriage by civil ceremony or to other religious denominations.

Venues used by more than one denomination

- 2.7 A building may be registered for the purposes of more than one denomination, as provided by the Marriages Act 1972. Such multiple registrations are not common.
- 2.8 Where a building is registered for the solemnisation of marriage by more than one religious denomination, the ministers concerned are required to hold separate marriage registers and marriage notice books. Care has to be taken to ensure that marriages are entered in the appropriate notice books and registers.
- 2.9 If two different denominations share the use of a church previously registered for the benefit of a single denomination without making an application for a change in the registration of the building, this may cause a problem with the registration of the marriage, which cannot be rectified. It may also affect the validity of the marriage.

Civil Marriages

- 2.10 A registrar may only solemnise a marriage in his/her office. This means that persons wishing to get married by civil ceremony are restricted to the facilities available in each registrar's district. The one exception to marriage in a registrar's office is where An tArd-Chláraitheoir issues a special licence for the solemnisation of marriage in a hospital or other place in circumstances where one of the parties to be married is certified by a registered medical practitioner to be too ill to attend at the office of the registrar.
- 2.11 The restriction on a civil marriage to the registrar's office gives rise to a considerable level of complaints in relation to the capacity, location and environment. Up to perhaps 5 years ago, the numbers attending a marriage in a registrar's office were typically small. In more recent years the trend is for larger wedding parties of up to 50–60 people. The only registrar's office capable of accommodating such numbers is in Dublin, – which, with a capacity of sixty, is the largest and busiest in the country. It is understood that during the summer months there are 5 or 6 large weddings each week, when the number of guests exceed 50.
- 2.12 There is also a growing demand for civil ceremonies in locations other than in a registrar's office. There are a number of reasons why people contemplating marriage in registrar's office might want the option of alternative venues, including:
- Inadequacy of some registrar's office accommodation;
 - Desire for a more convenient location;
 - Desire to marry in a location or premises of some significance to the parties.
- 2.13 In 1998, Senator Kathleen O'Meara sought to introduce a Bill to liberalise the law by allowing for civil marriage in venues other than the registrar's office. Her Bill seemed to have been based on the Marriages Act 1994 of England and Wales. The Bill did not progress, but it highlighted the deficiencies in most registrar's offices at that time.
- 2.14 It is considered that the existing law in relation to locations for civil marriages is unduly restrictive and that the limited facilities in many districts no longer meet customer's needs or expectations for the solemnisation of marriage by civil ceremony.

Persons for whom religious solemnisation is not an option

- 2.15 The provisions outlined in previous paragraphs cover marriage by certain religious groups and by a registrar. There are, however, other religious denominations that do not enjoy the same privileges under the legislation as the main churches. They may lack resources to fund a place of worship, or, the registration of a building used for public worship for marriage, as understood in Irish law, might be in conflict with their religious beliefs.
- 2.16 In addition, there are other bodies for whom the description religious worship may not be appropriate or for whom a place of worship may not be part of their structure. Members of denominations/bodies who are not empowered by law to issue a special licence and who do not have a registered building may only marry in a civil ceremony in a registrar's office.

3 Recommended Future Approach.

- 3.1 It is clear from the foregoing paragraphs, that there is a lack of uniformity in relation to venues at which marriages may be solemnised and that people do not have an equal choice as to the venue for their marriage. This has given rise to unintended discrimination between different denominations and groups in society.
- 3.2 It is understood that some of the Christian churches are moving towards greater cooperation and sharing of facilities. There is a requirement to cater for the needs of other religious denominations / groups not currently covered by legislation. There is also a need for greater flexibility with regard to venues for marriage ceremonies.
- 3.3 A modern universal policy in relation to marriage venues needs to be adopted and provided for in legislation to ensure equality of treatment of all persons wishing to get married in the State.
- 3.4 It is therefore recommended that:
- a) In relation to locations where marriages can be solemnised.
- Couples should be free to select the location at which they wish to get married - the key principles being that marriage is a public act and that the location must not detract from the solemn nature of the marriage ceremony.
 - The venue must:
 - Be a seemly and dignified location for a marriage ceremony.
 - Not exclude public witness of the marriage ceremony.
 - The marriage ceremony must be separate from other activities on the premises / at the location;
 - No food or alcohol should be served during the marriage ceremony.
 - Civil Marriages: A registrar should be allowed to solemnise a marriage in a place other than his/her office provided the venue is approved by the local registration authority. The conditions, including compliance with fire and safety regulations, locations, fees etc, will be set out.
 - Religious Marriages: Religious solemnisers should be free to regulate the venues at which religious marriages may be celebrated.
 - Marriages by Other Bodies: The venue should be a matter for the officiant of the body concerned.

- b) The restrictions on the sharing of church or other buildings for marriage ceremonies should be removed. The sharing of such buildings should be a matter for agreement between the denominations / trustees concerned.

Register of solemnisers

- 3.5 In considering the issues involved in liberalising venues where marriage may be solemnised, it is felt that a register of buildings would not be the most suitable mechanism to regulate the solemnisation of a valid marriage.

It is therefore recommended to discontinue the register of buildings and to establish instead, a register of solemnisers. The register will be available in registrars' offices

- 3.6 The recommendations in relation to solemnisers are set out in Position Paper No 4. It is recommended that a marriage may only be solemnised by a person who is registered in the register of solemnisers.