

Inter-Departmental Committee on Reform of Marriage Law

Discussion Paper No. 3

Marriage Venues

May 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. The venues for marriage between Catholics is not regulated by statute. As a result rules in relation to venues are not universally applicable to all denominations or to a civil marriage.
- 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 is 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 catholic and a person of another persuasion is required to be solemnised in a 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 lot 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 small. In more recent years the trend is for bigger wedding parties of up to 50–60 people. The only Registrar's office capable of accommodating such numbers is in Dublin - has a capacity of 60 - which 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:
- 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 one of 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 which 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. Proposed future approach

3.1 What is clear from the foregoing paragraphs is 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 proposed to:

(a) Liberalise locations where marriages can be solemnised.

- Couples should be free to select the location at which they wish to get married;
- The key principle 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;
 - Comply with fire and safety regulations;
- 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.

In relation to:

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 – locations, fees etc, will be set out.

Religious Marriages: It is considered that the individual churches 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) Remove the restrictions on the sharing of church and registered buildings for marriage ceremonies.

- The sharing of such buildings should be a matter for agreement between the denominations / trustees concerned.

(c) Continue to maintain a register of church and other registered buildings.

- All existing church bodies must provide a list of all current churches so as to update the register.
- The opening of new churches and the closure of existing churches must be notified to An tArd Chláraitheoir.

(d) Introduce a register of solemnisers for bodies who do not have specified buildings for marriage ceremonies.

- A new procedure for the registration of solemnisers will be introduced.

