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STATUTORY INSTRUMENTS

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**2019 No. 1514**

**The Marriage (Same-sex Couples) and Civil Partnership  
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

**PART 2**

**Marriage: Same-sex Couples**

**Extension of marriage to same-sex couples**

**3.—**(1) In Article 6(6) of the Marriage (Northern Ireland) Order 2003 (legal impediments to marriage)<sup>(1)</sup>—

- (a) omit sub-paragraph (e) (parties must not be of the same sex), and the preceding “or”, and
- (b) after sub-paragraph (c) insert “or”.

(2) In Article 9 of that Order (persons who may solemnise marriages), after paragraph (b) insert—  
“But a marriage between parties of the same sex may be solemnised only by a person appointed under Article 31.”.

**Form of appropriate declaration at solemnisation of a marriage**

**4.** In each of Articles 19(3) and 25 of the Marriage (Northern Ireland) Order 2003 (which refer to declarations by the parties to a marriage that they accept each other as husband and wife), after “as husband and wife” insert “*or* as husband and husband *or* as wife and wife”.

**Parties being of the same sex no longer to be a ground on which a marriage is void**

**5.—**(1) In Article 13(1) of the Matrimonial Causes (Northern Ireland) Order 1978<sup>(2)</sup> (grounds on which a marriage is void), omit sub-paragraph (e) (parties not respectively male and female).

(2) In section 4(1) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018<sup>(3)</sup>, omit paragraph (b) (guidance connected to Article 13(1)(e) of the 1978 Order) and the preceding “and”.

**Effect of extension**

**6.—**(1) In the law of Northern Ireland, marriage has the same effect in relation to same-sex couples as it has in relation to opposite-sex couples.

(2) The law of Northern Ireland (including all applicable legislation whenever passed or made) has effect in accordance with paragraph (1).

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<sup>(1)</sup> S.I. 2003/413 (N.I. 3).

<sup>(2)</sup> S.I. 1978/1045 (N.I. 15).

<sup>(3)</sup> 2018 c.28.

(3) Paragraphs (1) and (2), and regulation 7, are subject to any contrary provision made by these Regulations (or future applicable legislation), including contrary provision contained in amendments of existing applicable legislation.

(4) In this regulation—

“applicable legislation” means—

- (a) an Act of Parliament so far as it forms part of the law of Northern Ireland,
- (b) Northern Ireland legislation,
- (c) subordinate legislation made under an Act of Parliament, so far as the subordinate legislation forms part of the law of Northern Ireland, and
- (d) subordinate legislation made under Northern Ireland legislation;

“existing applicable legislation” means applicable legislation passed or made before 13th January 2020;

“subordinate legislation” means any Order in Council, order or warrant (other than an order made or a warrant issued by a court), scheme, rule, regulation, bye-law or other instrument.

#### **Interpretation of existing legislation: references to marriage, couples and married persons**

7.—(1) In existing applicable legislation—

- (a) a reference to marriage is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to a married couple is to be read as including a reference to a married same-sex couple, and
- (c) a reference to a person who is married is to be read as including a reference to a person who is married to a person of the same sex.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a marriage that has ended, or a reference to a person whose marriage has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2), it does not matter how a reference is expressed, so that (for example) in existing applicable legislation—

- (a) a reference to a husband, or a reference to a wife, is to be read as including a reference to a same-sex spouse (of either sex),
- (b) a reference to a widow, or a reference to a widower, is to be read as including a reference to a surviving same-sex spouse (of either sex), and
- (c) a reference to a person’s “husband or wife” is to be read as a reference to the person’s spouse (whether of the opposite or same sex).

(4) Paragraphs (1) to (3) do not limit regulation 6(1) and (2).

(5) In this regulation “existing applicable legislation” has the same meaning as in regulation 6.

#### **Interpretation of existing private legal instruments**

8.—(1) Regulation 6(1) and (2) do not alter the effect of any private legal instrument made before 13th January 2020.

(2) In this regulation “private legal instrument” includes—

- (a) a will,
- (b) an instrument (including a private Act) which settles property,

- (c) an instrument (including a private Act) which provides for the use, disposal or devolution of property, and
- (d) an instrument (including a private Act) which—
  - (i) establishes a body, or
  - (ii) regulates the purposes or administration of a body,(whether the body is incorporated or not and whether it is charitable or not);

but (with the exception of the kinds of private Act mentioned in sub-paragraphs (b) to (d)) it does not include applicable legislation.

- (3) In paragraph (2)—
  - (a) “Act” includes an Act of the Parliament of Ireland, an Act of the Parliament of Northern Ireland and an Act of the Northern Ireland Assembly;
  - (b) “applicable legislation” has the same meaning as in regulation 6.

#### **Disapplication of regulations 6 and 7 in certain cases**

- 9.—(1) Regulation 6(1) and (2) do not apply to the common law concerning—
  - (a) the right of a person who marries, or is married to, the King Regnant, to the title of Queen,
  - (b) the right of a person who marries, or is married to, the Prince of Wales, to the title of Princess of Wales, or
  - (c) the acquisition of a right to, or interest in, a peerage, and all titles, rights, offices, privileges and precedence attaching to it, by a person who marries or who is married to a peer holding that peerage.
- (2) Regulation 6(1) and (2) do not apply to EU instruments.
- (3) Regulations 6(1) and (2) and 7(1) to (3) do not apply to a provision listed in paragraph 5 of Schedule 2 to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014(4), so far as the provision forms part of the law of Northern Ireland.

#### **Recognition of extra-territorial marriages of same-sex couples**

- 10.—(1) A marriage under—
  - (a) the law of any part of the United Kingdom (other than Northern Ireland), or
  - (b) the law of any country or territory outside the United Kingdom,

is not prevented from being recognised under the law of Northern Ireland only because it is the marriage of a same-sex couple.

- (2) For the purposes of paragraph (1) it is irrelevant whether the law of a particular part of the United Kingdom, or a particular country or territory outside the United Kingdom—
  - (a) at the start of 13th January 2020 already provides for marriage of same-sex couples, or
  - (b) provides for marriage of same-sex couples from some later time.
- (3) Accordingly—
  - (a) in the Marriage (Same Sex) Couples Act 2013(5), in paragraph 2 of Schedule 2 (same-sex marriage in England and Wales to be treated in Northern Ireland as civil partnership), after sub-paragraph (1) insert—

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(4) S.I. 2014/560.

(5) 2013 c.30.

“(1A) Sub-paragraph (1) does not apply on or after 13th January 2020 except for the purposes of proceedings commenced before that date under Chapter 2 of Part 4, or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in Northern Ireland in respect of civil partnerships, and property disputes between civil partners).”

- (b) in the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014<sup>(6)</sup>, in Article 6 (same-sex marriage in Scotland to be treated in Northern Ireland as civil partnership), after paragraph (1) insert—

“(1A) Paragraph (1) does not apply on or after 13th January 2020 except for the purposes of proceedings commenced before that date under Chapter 2 of Part 4, or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in respect of civil partnerships, and property disputes between civil partners).”, and

- (c) in section 1(3) of the Civil Partnership Act 2004<sup>(7)</sup> (cases where civil partnerships brought to an end), after paragraph (b) insert—

“, or

- (c) on its coming to an end in accordance with section 11(2)(a) of the Marriage and Civil Partnership (Scotland) Act 2014 <sup>(asp 5)</sup> (ending of civil partnership formed as mentioned in subsection (1)(a)(ii) or (iv) on its being changed to a marriage under section 10 of that Act, and ending of certain civil partnerships where the civil partners marry in accordance with the Marriage (Scotland) Act 1977).”<sup>(8)</sup>

(4) Paragraphs (1) and (2) do not apply for the purposes of any proceedings commenced before 13th January 2020 under Chapter 2 of Part 4, or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in respect of civil partnerships, and property disputes between civil partners).

### **Marriage overseas: consular, and armed forces, marriages**

**11.**—(1) The Foreign Marriage Act 1892<sup>(9)</sup> is repealed.

(2) In the Marriage (Same Sex Couples) Act 2013<sup>(10)</sup>, paragraphs 4, 5, 10 and 11 of Schedule 6 extend also to Northern Ireland.

(3) Accordingly, in section 20 of the Marriage (Same Sex Couples) Act 2013 (extent)—

- (a) in subsection (3)(b), omit “and paragraphs 4, 5, 10 and 11 of Schedule 6”, and  
 (b) in subsection (8), at the end insert “(but see regulations 2 and 11 of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019)”.

**12.**—(1) Part 2 of the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014<sup>(11)</sup> extends also to Northern Ireland.

(2) Accordingly, omit article 1(3) of that Order (Part 2 does not extend to Northern Ireland).

(3) Part 2 of that Order (as it has effect in accordance with paragraph (1)) is amended as follows.

<sup>(6)</sup> S.I. 2014/3229.

<sup>(7)</sup> 2004 c.33. In section 1(3), paragraph (b) was inserted (and part of the existing text re-numbered as paragraph (a)) by paragraph 34 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

<sup>(8)</sup> 1977 c.15.

<sup>(9)</sup> 1892 c.23 (55 & 56 Vict.). The 1892 Act was repealed, so far as extending to England and Wales, and Scotland, by section 13(2) of the Marriage (Same Sex Couples) Act 2013.

<sup>(10)</sup> 2013 c.30.

<sup>(11)</sup> S.I. 2014/3265.

- (4) In article 4(4)(a) (notice of marriage must specify relevant part of UK)—
- (a) omit “either”, and
  - (b) after “Scotland” insert “or Northern Ireland”.
- (5) In article 5 (consent to marriage), after paragraph (2) insert—
- “(2A) Where either party to the marriage is under the age of 18 and the relevant part of the United Kingdom is Northern Ireland then the same consents are required as would be required under Article 22 of the Marriage (Northern Ireland) Order 2003 in respect of a marriage solemnized in Northern Ireland.
- (2B) The Secretary of State may dispense with the requirement to obtain those consents if satisfied that it is not reasonably practicable to obtain the consent of any person whose consent is so required.”.
- (6) In article 8 (declaration before marriage)—
- (a) in paragraph (a), after sub-paragraph (ii) insert—
    - “(iii) where the relevant part of the United Kingdom is Northern Ireland, that there is no impediment to the marriage such that the marriage would be void under Article 13 of the Matrimonial Causes (Northern Ireland) Order 1978;”, and
  - (b) after paragraph (c) insert—
    - “(d) where either party is under the age of 18 and the relevant part of the United Kingdom is Northern Ireland—
      - (i) that any consents to the marriage which are required in respect of that party have been obtained; or
      - (ii) that the necessity of obtaining any such consents in respect of that party has been dispensed with.”.
- (7) In article 10 (register of marriages)—
- (a) in paragraph (4)—
    - (i) after “Scotland”, in the first place it occurs, insert “or Northern Ireland”, and
    - (ii) after “Scotland”, in the second place it occurs, insert “or (as the case may be) the Registrar General for Northern Ireland”,
  - (b) in paragraph (5), after “Scotland” insert “or the Registrar General for Northern Ireland”, and
  - (c) in paragraph (6), after “Scotland” insert “or Northern Ireland”.
- 13.—(1)** A person is entitled, on payment of a fee, to obtain from the Registrar General for Northern Ireland—
- (a) a certified copy of any entry in a marriage register book transmitted to the Registrar General under article 6 of the Foreign Marriage Order 1970<sup>(12)</sup>;
  - (b) a certified copy of any of the following documents transmitted to the Registrar General in accordance with article 7 of that Order—
    - (i) a certificate of a foreign marriage;
    - (ii) any translation of such a certificate;
    - (iii) any certificate produced by a consular officer regarding the accuracy of the translation.

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<sup>(12)</sup> S.I. 1970/1539, made under 1892 c.23 and revoked in relation to England and Wales, and Scotland, by article 17 of S.I. 2014/1110.

(2) The fee payable under sub-paragraph (1) is the amount equal to the sum of the fees for the time being charged by the Registrar General for Northern Ireland for—

- (a) the provision of a document relating to an entry in a marriage registration record, and
- (b) a search of the indexes to marriage registration records in the Registrar General's custody.

(3) A certified copy provided under sub-paragraph (1)(a) is sufficient evidence of the marriage.

(4) A certified copy provided under sub-paragraph (1)(b) of any entry in the register under the Foreign Marriage Act 1892 is sufficient evidence of the formation of a foreign marriage.

(5) In this regulation “foreign marriage” means a marriage solemnized outside the United Kingdom.

**14.**—(1) The Overseas Marriage (Armed Forces) Order 2014(**13**), except article 12, extends also to Northern Ireland.

(2) Accordingly, in Article 1(2) of that Order (Order does not extend to Northern Ireland), for “This Order” substitute “Article 12”.

(3) That Order (as it has effect in accordance with paragraph (1)) is amended as follows.

(4) In article 6 (marriage notice)—

(a) in paragraph (3)(c) (notice must specify relevant part of UK)—

- (i) omit “either”, and
- (ii) after “Scotland” insert “or Northern Ireland”, and

(b) after paragraph (3) insert—

“(3A) Where the parties are a same sex couple, Northern Ireland may not be nominated under paragraph (3)(c) if the authorised person in whose presence the marriage is to be solemnized is (whether within paragraph (a) or (b) of the definition of “authorised person”) a chaplain in Her Majesty's forces.”.

(5) In article 8 (consent to marriage), after paragraph (2) insert—

“(3) Where either party to the marriage is under the age of 18 and the relevant part of the United Kingdom is Northern Ireland then the same consents are required as would be required under Article 22 of the Marriage (Northern Ireland) Order 2003 in respect of a marriage solemnized in Northern Ireland.

(4) The authorised person in whose presence the marriage is to be solemnized may dispense with the requirement to obtain those consents if the authorised person is satisfied that it is not reasonably practicable to obtain the consent of any person whose consent is so required.”.

### **Prescribed forms relating to marriage**

**15.**—(1) The Marriage Regulations (Northern Ireland) 2003(**14**) are amended as follows.

(2) In Schedule 1 (form of marriage notice)—

(a) in paragraph 2, after “Place of marriage” insert “including postcode”,

(b) in paragraph 12, after the boxes for “Postcode” insert—

“Contact telephone number  
Contact email address”,

(c) in the heading for Part C, after “father” insert “/parent”,

(13) S.I. 2014/1108.

(14) S.R. (N.I.) 2003/468. Relevant amendments were made by S.R. (N.I.) 2005/532 and S.R. (N.I.) 2014/296.

- (d) in paragraph 16, for “Is he” substitute “Are they”,
- (e) in the heading for Part D, after “mother” insert “/parent”,
- (f) in paragraph 21, for “Is she” substitute “Are they”,
- (g) in paragraph 22, in column 1, after “name” insert “, address”,
- (h) in paragraph 22, in column 2, after the entry for name insert—  
“..... address”,
- (i) the existing Parts F, G and H become, respectively, Parts G, H and I,
- (j) the existing paragraphs 24 to 30 become paragraphs 26 to 32,
- (k) after Part E insert—

“F. About the celebrant (complete this part if you intend to have a humanist celebrant conduct the ceremony)

24. Name and address of humanist celebrant	.....Name
	..... Address
25. Signature of that person to indicate (s)he is willing to act as celebrant	.....Signature”

- (l) in the paragraph that becomes paragraph 28, in columns 1 and 2, after “birth” insert “/adoption”, and
- (m) in the paragraph that becomes paragraph 32—
  - (i) in sub-paragraph (ii), for “Part F” substitute “Part G”, and
  - (ii) in sub-paragraph (v), for “Part G” substitute “Part H”.
- (3) In Schedule 2 (form of marriage schedule)—
  - (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (4) In Schedule 3 (form of certificate of legal capacity to marry)—
  - (a) for “Bridegroom” substitute “Applicant”,
  - (b) for “Bride” substitute “Intended spouse”, and
  - (c) omit “Christian or”.
- (5) In Schedule 6 (form of statement by registered medical practitioner), for each of “man” and “woman” substitute “proposed spouse”.
- (6) In Schedule 7 (form of marriage notice for ceremony after ceremony abroad)—
  - (a) in the heading of Part C, after “father” insert “/parent”,
  - (b) in paragraph 16, for “Is he” substitute “Are they”,
  - (c) in the heading of Part D, after “mother” insert “/parent”,
  - (d) in paragraph 21, for “Is she” substitute “Are they”, and
  - (e) in paragraph 24, after “birth”, in each place it occurs, insert “/adoption”.
- (7) In Schedule 8 (form of marriage schedule for ceremony after ceremony abroad)—
  - (a) in paragraph 3, omit “Bridegroom” and “Bride”,

- (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (8) In Schedule 9 (form of consent), in footnote (b), after “Mother” insert “, Parent”.
- (9) In Schedule 11 (form of statement by responsible authority), omit “of man” and “of woman”.
- (10) In Schedule 13 (form of certified copy of register entry)—
- (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (11) In Schedule 14 (form of certified copy of register entry)—
- (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (12) In Schedule 15 (form of extract from marriage registration records), in paragraph 3, omit “Bridegroom” and “Bride”.