



BILLE NA bPOSTAI, 1972

MARRIAGES BILL, 1972

EXPLANATORY MEMORANDUM

1. The Marriages Bill, 1972, settles a minimum age for marriage, clarifies certain points of difficulty and removes certain restrictions arising from existing marriage laws as well as amending some other provisions of the marriage code which dates back to 1844.

2. *Section 1* fixes 16 years as the normal minimum age for marriage. It provides, however, that the authorities of religious bodies mentioned in the section may grant permission to marry to persons under 16 in certain circumstances and that, on application made in a summary manner to the High Court, similar permission may be given in the case of marriages in registrars' offices, or for the smaller religious groups. Persons under 16 seeking exemptions must have resided in the State for four months.

3. *Section 2* deals with the validation as to form of the marriage of an Irish citizen which was solemnised at Lourdes and also provides for the registration in the State of these marriages.

4. *Section 3* will remove any doubt as to the validity in law of certain Church of Ireland marriages i.e. where, following closing of churches or the amalgamation of parishes, the church district in which the parties resided was not attached for marriage purposes to the church where the marriage was solemnised.

5. *Section 4* permits the secretary of a synagogue to appoint a deputy to act in relation to the registration of marriages solemnised in the synagogue during the secretary's absence.

6. *Section 5* is designed to facilitate members of certain religious groups who have only a small number of churches in the State. At present in such cases it is necessary for at least one of the parties to reside for 23 days in the registrar's district in which the church in which they wish to marry is situated before the registrar can issue a licence to marry. If neither of them resides in such district, one of them has to change residence temporarily. Under the section such period of residence will no longer be necessary — the requisite notice can be given in the registrar's district in which he or she resides.

7. *Section 6* deals with the consent of parents or guardians to the marriage of persons under 21 years and provides (a) for right of appeal in a summary manner to the High Court against a refusal of such consent, (b) that a person who is without a parent or guardian under age 21 must obtain consent from the Court, (c) authority for the Minister, by regulations, to reduce the age under which consent must be obtained from 21 to a lesser age.

8. *Section 7* makes a requested change in nomenclature (i.e. "Church" for "Meeting House") for the Presbyterian Church.

9. *Section 8*. The Assistant to an tArd-Chláraitheoir has not formal statutory powers in relation to marriages as he has in respect of births and deaths. This section makes provision accordingly.

10. *Section 9.* The provisions relating to marriage of members of the Church of Christ Scientist in registrars' offices will be altered so that notice of intention to marry need not be published in the newspapers.

11. *Section 10.* The Church of Ireland are restricted by a reference in an Act of 1870 dealing with marriages to rules of the Church in force in 1870. This reference is being altered to rules of the Church in force from time to time.

12. *Section 11* removes residence restrictions on the marriage of members of the Church of Ireland who, for example, moved to suburbs and continued attending at a centre city church. The section will enable the parties to marry in the church where one of them worships or in the church attached to the district where he or she lives.

13. *Sections 12 and 13* deal with special licences (under which persons may be married without a qualifying residential period and in any building). Up to now both parties were required to be of the religion of the person issuing the special licence. These sections provide that only one of them need be of that religion. Section 13 also adds the Chief Rabbi to the list of those authorised to issue special licences.

14. *Section 14* will permit a building to be licensed or registered for marriage purposes for use by two or more religious bodies and will effect changes in the law to enable temporary buildings to be similarly licensed or registered (where for example the building normally used is closed for repairs).

15. *Section 15.* Cases have arisen where a party to a marriage was so ill that he or she could not travel to a registrar's office to be married. This section will enable an tArd-Chláraitheoir to issue a special licence and so authorise the registrar to travel to where the sick party is and officiate at the marriage ceremony there.

16. *Section 16* wipes out all existing legal restrictions as to the hours of the day at which marriages might be performed by religious denominations. It also extends the times for marriage in registrars' offices to 8 a.m. to 5 p.m.

An Roinn Sláinte
Iúil, 1972.