



**AN BILLE UM CHLÁRÚ SIBHIALTA (LEASÚ), 2012
CIVIL REGISTRATION (AMENDMENT) BILL 2012**

EXPLANATORY AND FINANCIAL MEMORANDUM

Introduction

This Bill provides for the amendment and extension of certain provisions of the Civil Registration Act 2004 so as to extend the categories of bodies and organisations that may apply to An tArd-Chláraitheoir (the Registrar General) for the registration of members of that body or organisation to solemnise marriages.

At present only the Health Services Executive (HSE) and religious bodies can apply for registration in the Register of Solemnisers which was established under the Civil Registration Act 2004. This Bill provides for secular bodies, as defined in the Bill, to apply for such registration.

Main Provisions

Section 1 provides for the definition of the term “Principal Act” used throughout the Bill as the Civil Registration Act 2004.

Section 2 inserts and modifies definitions to provide for the broadening of the type of bodies that can apply to have a member added to the Register of Solemnisers to include a “secular body”.

Section 3 sets out the interpretation of “secular body” for the purposes of this Bill. In essence, the body must be an organised group of people; have a membership of not fewer than 50 people; the principal objects of the body must be secular, ethical and humanist; members of the body must meet regularly in relation to their beliefs and in furtherance of the objects; any rules of the body regarding marriage must not contravene the law; there must be appropriate procedures around the selection, training and accreditation of solemnisers; it must be in existence continually for at least 5 years on the date of making an application; it must have charitable tax exemption for at least 5 years as evidenced by an entitlement to an exemption under section 207 or 208 of the Taxes Consolidation Act 1997; it must not have the making of profit as one of its principal objectives and it must maintain a register of its members.

In addition, there is a list of the types of organisations which are deemed, for the purposes of the Bill, not to be secular bodies. These are chambers of commerce, organisations that are political,

sporting/athletic, trade union/representative in nature and bodies that promote purposes that are unlawful, are contrary to public policy or morality, in support of terrorism or terrorist activities or for the benefit of an organisation of which membership is unlawful.

Section 4 provides for the amendment of section 51 of the Principal Act to include solemnisers from secular bodies in the requirements to be met for a valid solemnisation of marriage.

Section 5 provides for the amendment of section 53 of the Principal Act to enable An tArd-Chláraitheoir to refuse to register a person on the Register of Solemnisers on the grounds that the body nominating them cannot be considered to be a “secular body”.

Section 6 provides for the amendment of section 54 of the Principal Act to include secular bodies in the categories of body that may apply for registration of persons on the Register of Solemnisers. An officer of the secular body must certify that, in their opinion, the nominated person is a fit and proper person to solemnise a marriage and confirm that the nominee has been selected, trained and accredited by the secular body in accordance with their procedures. The section also sets out procedures in relation to requesting additional information from religious bodies or secular bodies regarding an application on behalf of a member to become a registered solemniser.

Section 7 provides for the amendment of section 55 of the Principal Act to include the cessation of a body as a religious or secular body as a reason the registration of a person may be cancelled on the Register of Solemnisers.

Section 8 provides for the amendment of section 56 of the Principal Act to include secular bodies in appeals against refusals or cancellations of registration on the Register of Solemnisers.

Section 9 provides for the amendment of section 57 of the Principal Act to allow granting of temporary authorisation to solemnise marriage to solemnisers from secular bodies. It also sets out procedures in relation to requesting additional information from either a religious or a secular body regarding an application for temporary authorization to solemnise marriages.

Section 10 provides for the short title, collective citations, construction and any necessary commencements.

Financial Implications

Additional costs to the Exchequer will be for administration in relation to the processing of new applications. It is not expected that a high volume of applications will be made and any costs that arise will not be significant.

*An Roinn Coimirce Sóisialaí,
Nollaig, 2012.*