

**RESPONSE OF THE COUNCIL FOR PUBLIC AFFAIRS OF THE
PRESBYTERIAN CHURCH IN IRELAND TO THE DEPARTMENT OF
FINANCE CONSULTATION ON BELIEF MARRIAGE AND MINIMUM
AGE FOR MARRIAGE OR CIVIL PARTNERSHIP**

FEBRUARY 2022

General Comments

1. The Presbyterian Church in Ireland (PCI) has over 200,000 members belonging to more than 530 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy, and we welcome this invitation to respond to the Department of Finance consultation on belief marriage, and minimum age for marriage or civil partnership.

Part 1: Belief Marriage

2. PCI believes that marriage and family are themes central to the Christian faith, reflecting not only God's loving design for humanity, but also providing a rich image of the relationship between Christ and His Church. PCI also understands marriage to be a covenantal relationship, emphasising the concept of a deep, binding and enduring commitment between one man and one woman.

Question 1: Are you content that the current marriage law is being amended to include belief marriage, and with the rationale provided for this proposed change?

3. PCI recognises the recent court judgements which now oblige the Department of Justice to put belief marriage on an equal footing with religious marriage in regard to legislation. PCI also notes that since 2017 humanist celebrants have been able to apply to become temporary registrars and thereby to conduct marriage ceremonies for humanists, and that the Minister of Finance has, as a temporary measure, opted to read in aspects of belief marriage to the 2003 Order. The proposed amendment to current marriage law would effect a permanent change in this regard. In acknowledging this we refer to our understanding of marriage in the paragraph above, and it is our view that it is regrettable that in extending the current marriage legislation to include belief marriage, this understanding will be diluted. Furthermore, the Churches' contribution to society

with regard to the provision of the Solemnisation of Marriage ceremonies, where we have historically for many decades carried out a civic function free of charge thereby saving a great deal of government expenditure, has been significant to say the least. To place this in the same category as the contribution of 'belief groups' could be viewed as somewhat unfortunate.

Question 2: Should the Registrar General in this jurisdiction determine the genuineness and appropriateness of any applicant belief group as she currently does for religious groups?

4. PCI agrees that this should continue to be the case, providing a regulated and consistent basis on which any applicant belief group can be assessed and approved.

Question 3: Do we need qualifying criteria for belief groups or should it be for the Registrar General to determine whether a belief group is or is not genuine?

5. PCI does agree that there should be qualifying criteria for belief groups to assist the Registrar General in determining whether a belief group is, or is, not genuine. Qualifying criteria would assist in openness and transparency with regard to decision making.

Question 4: If so, should we adopt relatively loose qualifying criteria for belief bodies, on the Scottish model, or more specific criteria (and exclusions) on the Dublin model? (see pages 22 – 23 & p.34)

6. PCI notes that the Dublin model incorporates 'secular' marriage rather than 'belief' marriage. However, the fact that it includes specific exclusions for particular groups such as political parties makes it a useful template. The criteria stipulating level of membership, length of continuous existence and regular meetings, along with details of aims, are helpful in ensuring that belief bodies seeking registration are genuine.

Question 5: If we adopt such qualifying criteria for belief groups, should we adopt them for religious groups as well?

7. It may well be the case that this should be considered for any new religious group which seeks to be registered as such. The Presbyterian Church in Ireland, in common with many of the main denominations, has a longstanding and multi-faceted relationship with the State which has always been, and should continue to be, recognised.

Questions 6 & 7: Do you consider that belief marriage offers a greater opportunity to the organisers of illegal sham marriages, as religious or civil marriage? Are there adequate controls in place to prevent sham marriages?

8. Instances of sham marriages are relatively rare in Northern Ireland and we are grateful to those who are vigilant in this regard, and for the statutory agencies and authorities who pursue potential illegalities. Within the context of religious marriage at least one, if not both, of the parties to the marriage will have links to the church where they hope to hold their ceremony either through family connections to the local congregation or clergy. Through these relationships and sense of community the ability to identify a sham marriage, although not foolproof, is certainly greater. In the context of a belief marriage where a couple may not have strong personal ties to the specific belief community, or the officiant, the risk of a potential sham marriage may rise. Adequate training to help officiants identify signs of an illegal sham marriage, with clear pathways for action should suspicion arise, may go some way to alleviate these concerns.

Questions 8 & 9: Do you consider that eccentric or frivolous marriage ceremonies are more likely to take place under belief marriage than under religious or civil marriage? Are there adequate controls in place to guard against eccentric or frivolous forms of marriage?

9. Although a very happy occasion, a marriage ceremony is a very solemn event with vows made not only in the presence of friends and family, but also in the case of religious marriage, before God. All reasonable efforts should be taken to ensure that the introduction of belief marriage does not facilitate eccentric or frivolous marriage ceremonies, which would diminish or dilute the solemn and sincere character of marriage, which ideally is a commitment between two people made for life.

Questions 10 – 12: Should the law be changed to allow independent wedding celebrants, who operate on a for-profit business basis, to offer legally binding marriage ceremonies? Are there risks in permitting marriage ceremonies to be provided for profit/gain? Would you favour religious and belief groups being allowed to offer marriage ceremonies for a profit?

10. PCI does not favour religious and belief groups being allowed to offer marriage ceremonies for a profit. To do so would be to undermine the serious and solemn nature of the religious marriage ceremony. Anything which would increase the necessary costs of a marriage ceremony for a couple should be resisted. In that light PCI does not favour allowing independent wedding celebrants to offer legally binding marriage ceremonies on a for-profit business basis.

Questions 13 & 14: Are you content with the current regulations which prohibit the solemnisation of marriages for profit or gain? Should religious and belief groups publish the fees they charge for solemnising marriages?

11. Yes, PCI is content with current regulations which prohibit the solemnisation of marriages for profit or gain. PCI congregations do not charge a fee for solemnising marriages, but instead suggest a donation to cover relevant costs. Where a religious or belief body does charge a fee this should be published to allow for transparency.

Part 2: Minimum Age for Marriage or Civil Partnership

12. PCI notes that the Department of Finance is, at this stage, simply seeking views on the current minimum age for marriage or civil partnership, and whether this should be raised; and that there is no immediate plan to introduce legislation.

Question 1: Should Government introduce legislation to raise the minimum marriage/civil partnership age to 18 in line with the recommendation of the United Nations Committee responsible for the UN Convention on the Rights of the Child?

13. Marriage as understood within PCI is a sacred and solemn act with vows made before God, as well as family and friends. As a bride and groom exchange their vows, they leave their respective family units and, now joined together as husband and wife, they step forward to face the changing seasons of life together. Within PCI it is also the understanding that marriage provides the appropriate context for physical intimacy between a man and a woman. Currently legislation allows for sexual activity between consenting people aged 16 or over. In that light, and given that the number of young people aged 16 or 17 coming forward to be married is relatively small, PCI would be in favour of retaining the option for marriage at age 16 or 17 provided certain safeguards are in place.

Question 2: Should government continue to permit 16- & 17-year olds to marry or enter a civil partnership but either: (i) replace the current parental consent requirement with a requirement for the consent of an authoritative body such as a court or, (ii) make such unions conditional on both parental consent, as now, *and* the consent of an authoritative body such as a court.

14. Should the government continue to permit 16- and 17-year olds to marry or enter a civil partnership the consent of one or both parents, or other legal guardian must continue to play a significant role. Therefore, PCI would reject the first option which removes parental consent from this decision making. Regarding the second option where the consent of an authoritative

body is included alongside parental consent, it is important that safeguards are in place to preserve religious freedoms.

Question 3: If this jurisdiction were to set its minimum marriage/civil partnership age at 18, should it refuse to recognise marriage/partnerships contracted outside the jurisdiction where one or both party is under 18?

15. Should the minimum age for marriage/civil partnership be raised to 18, there should continue to be recognition of marriage/partnerships contracted outside the jurisdiction where one or both party is under 18. The actual numbers impacted by this will be very small, but if married or partnered young people under the age of 18 have arrived in this jurisdiction from other countries they may be particularly vulnerable, and be further disadvantaged should their marriage or partnership not be recognised.

Question 4: Should Government make marriage/civil partnership, where one or other party is under the age of 18, a criminal offence?

16. Where appropriate safeguards have been introduced to protect 16- and 17-year olds to enter into a marriage or civil partnership then the Government should not make it a criminal offence where one or other party is under the age of 18.

A handwritten signature in black ink, appearing to read 'D Kane', with a horizontal line underneath.

Rev Daniel Kane (Convener of the Council for Public Affairs)

A handwritten signature in black ink, appearing to read 'T. Gribben', with a horizontal line underneath.

Rev Trevor D Gribben (Clerk of the General Assembly)