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To cite this article: Kathryn O'Sullivan (2021): Location, Location, Location: The Future Of Weddings Law In Ireland And England, Journal of Social Welfare and Family Law, DOI: [10.1080/09649069.2021.1953860](https://doi.org/10.1080/09649069.2021.1953860)

To link to this article: <https://doi.org/10.1080/09649069.2021.1953860>



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Published online: 29 Jul 2021.



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Location, Location, Location: The Future Of Weddings Law In Ireland And England

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ABSTRACT

Despite its practical importance to upwards of 40,000 people annually, the framework governing weddings law in Ireland has received minimal academic attention or critique. This article seeks to address this gap in the literature, placing a particular focus on the rules governing wedding venues. In this effort, it draws on the Law Commission for England and Wales' comprehensive *Getting Married: A Consultation Paper on Weddings Law* published in September 2020. Comparing the framework adopted in Ireland pursuant to the Civil Registration Act 2004 (as amended) with that provisionally proposed by the Law Commission for England and Wales, the article investigates whether certain proposals advanced by the Commission may also serve to cure weaknesses identified in the Irish scheme. The article highlights too how the Irish experience, specifically the anomalies which have emerged in law and practice in Ireland, may present a cautionary tale for those across the Irish Sea who wish to adopt a more conservative approach to its reform of the laws governing wedding venues than that presented by the Law Commission.

KEYWORDS

Weddings law; reform;
wedding venues; marriage

Introduction

The importance of marriage from a legal, political, social, cultural and religious perspective has been recognised for millennia. Today, marital status continues to confer important rights and obligations on spouses with major implications for issues as diverse as tax, citizenship, property rights, parental recognition and inheritance. Reflecting this importance, as McGowan (2016, p. 312) observes, 'Marriage law forges a powerful link between the personal and the political, connecting the aspirations of individuals to the regulatory ambitions of the state'. Yet notwithstanding the significance of marriage and marital status in Ireland, minimal academic attention has been afforded to the legal framework regulating the event from which this status springs: the wedding.

Weddings law matters. Prior to the onset of the COVID-19 pandemic, approximately 20,000–22,000 legally recognised wedding ceremonies were held in Ireland annually.¹ Perhaps unbeknown to many of them, these intending spouses planned their ceremonies against a backdrop of the formalities laid down in the Civil Registration Act 2004 (as amended). However, despite its practical importance to such a large number of people

each year, the framework established under the 2004 Act (as amended) is rarely critiqued (the only recent example where consideration was given to the legal framework for weddings in Ireland was Leahy and O'Sullivan (2018), however, no attention was afforded to proposals for reform; other academic commentary adopting theoretical or historical perspectives to Irish *marriage* law include McGowan 2016, Harding 2012, 2011; see also Crowley 2013).

This article seeks to address this gap in the literature. In this effort, it draws on the Law Commission for England and Wales' comprehensive *Getting Married: A Consultation Paper on Weddings Law* (2020; for the origins of the consultation, see Probert 2018).² Published in September 2020 and running to over 450 pages, the Consultation Paper presents a detailed analysis of various aspects of English weddings law including far-reaching proposals for reform. Although the Irish regulatory framework for weddings appears vastly superior to the confusing, inconsistent and anachronistic regime currently applied in England and Wales, it might equally be regarded as somewhat conservative when compared to the new scheme provisionally proposed by the Law Commission. While the Commission's proposals are broadly in line with the Irish framework, a more liberal approach is adopted vis-à-vis wedding venues. In this context, this article seeks to specifically investigate the law and practice in Ireland in relation to wedding locations before questioning the extent to which some of the key proposals advanced for England and Wales might also be of interest to the Irish legislature. The article further seeks to highlight how the Irish experience may provide a cautionary tale for the legislature in England and Wales in contemplating reform of this area of law.

Part I of this article sets out the basic framework for the regulation of weddings in Ireland pursuant to the Civil Registration Act 2004 (as amended) before highlighting the main proposals advanced by the Law Commission for England and Wales. Part II then considers how Irish wedding practice, particularly the location of weddings, has evolved since 2004 placing the spotlight on certain anomalies which have emerged between law and practice. Reflecting on these findings, Part III investigates three specific proposals for the reform of the location requirements under Irish law. The emerging lessons for legislatures on both sides of the Irish Sea are finally addressed in Part IV.

Part I: legal frameworks for the regulation of wedding compared

The Civil Registration Act 2004 (as amended) in Ireland

Pursuant to the Civil Registration Act 2004 (as amended) in Ireland, both parties to an intended marriage must provide written notice of their intention to marry in person not less than three months prior to the wedding.³ They must attend the registrar's office again at least five days (or such lesser number of days as determined by that registrar) before the ceremony at which time they must make and sign a declaration that there is no impediment to the marriage.⁴ On the completion of these preliminaries, the intending couple are presented with a Marriage Registration Form (MRF) which is then subsequently used for the registration of the marriage.

In terms of the ceremony itself, the 2004 Act (as amended) provides that both parties must be present along with two adult witnesses.⁵ The parties to the marriage must understand the nature of the marriage ceremony and the ceremony must be in an

approved format.⁶ In this regard, both parties must declare that they do not know of any impediment to the marriage⁷ and that they accept the other party as their spouse.⁸ The only other key limitation on ceremonies applies to civil ceremonies, specifically, which must not contain any religious content. Moreover, just two categories of officiants are legally recognised under the Civil Registration Act 2004 (as amended): civil registrars who may undertake civil weddings and registered solemnisers who may conduct religious or secular weddings.⁹

In relation to location, pursuant to section 51(2)(c) of the Civil Registration Act 2004 (as amended), unless exempted by reason of illness, the solemnisation of a marriage – whether religious, secular or civil – must be held in a ‘place that is open to the public’. While the precise scope of this provision initially created some confusion, it was confirmed in 2014 that outdoor venues were permissible (this confirmation followed consultation with the Office of the Attorney General, see Department of Social Protection, 2014). To avoid any further uncertainty, legislation clarified that ‘place that is open to the public’ refers to:

(a) a building that is open to the public, or (b) a courtyard, garden, yard, field or piece of ground that is open to the public and lying near to and usually enjoyed with the building referred to in paragraph (a).¹⁰

Beyond this stipulation, religious and secular solemnisers are free to choose the venues in which wedding ceremonies will be conducted. For civil weddings, although civil registrars are permitted to conduct ceremonies outside their offices, the venue must be pre-approved.¹¹

The Law Commission for England and Wales’ 2020 proposals

The Law Commission for England and Wales recently published *Getting Married: A Consultation Paper on Weddings Law* (2020). Highlighting that in many jurisdictions (including Ireland) laws have been updated ‘to reflect modern sensibilities’ and to give couples more choice in how they chose to marry (para. 1.6), the Commission found that weddings law in England and Wales remained ‘in desperate need of reform’ (para. 1.3). Pursuant to the Marriage Act 1949 (as amended), four main categories of wedding ceremony currently enjoy legal recognition in England and Wales: civil wedding ceremonies; weddings contracted according to the rites of the Church of England or Wales; weddings contracted according to Quaker and Jewish usages; and weddings conducted in other non-Anglican registered places of worship.¹² For each recognised category, different rules apply to the ceremony: from the preliminaries to the location; from the content of the ceremony to the witnesses required; from the registration and validity of the marriage to the offences for failure to comply with the formalities.¹³ Having reflected on the complexity created by the regime – and cognisant of the ever widening dichotomy between weddings law and contemporary culture – the Law Commission advanced multiple provisional proposals for reform.

The proposals for reform of wedding preliminaries in England and Wales reflect an approach broadly similar to the framework currently applied in Ireland. Subject to limited exceptions, the Commission provisionally propose that intending spouses would be required to give at least 28 days notice of the planned marriage. The notice

process would then, at least theoretically, be split into two stages. First, intending spouses would be required to give notice in person, by post or online (thereby better facilitating weddings of those resident overseas, para.3.13).¹⁴ Secondly, a meeting with a registration officer – which would necessarily be an in-person meeting – would then take place, after which the registration service could authorise the wedding to proceed (para.3.17).¹⁵ If the intending spouses prefer, the Commission provisionally proposes that both steps would be able to take place concurrently with an individual giving notice in person at the outset. After 28 days, provided that no impediments are discovered, the couple would be issued a Schedule, akin to the Marriage Registration Form in Ireland, authorising the wedding to take place (it would remain valid for 12 months, para. 3.20).¹⁶

Contrasting with the approach in Ireland, a potentially lengthier list of legally recognised officiants has been proposed by the Commission. First, the Commission proposes that registration officers, as appointed by local authorities, could officiate at civil weddings. Second, Anglican clergy ‘would be authorised by virtue of their ordination, by being in Holy Orders’ (para.3.38) and could officiate at Anglican weddings. Third, religious organisations falling within the definition of a religious body by the Supreme Court in *Hodkin v Registrar General of Births, Deaths and Marriages*¹⁷ could nominate officiants to conduct weddings in accordance with their rites, beliefs or rules. Notwithstanding that it was not within the Terms of Reference of the Consultation Paper to consider whether non-religious groups (for example, Humanists) ought to be able to solemnise legally recognised weddings, the Commission provisionally proposed that such organisations could nominate officiants in the same way as religious groups if the Government decided to include them (paras. 3.39–3.40). Fourth, and again at the discretion of the Government, independent officiants could be permitted to solemnise weddings (para. 3.50). Fifth, maritime officials could be authorised to conduct civil weddings in international waters in certain circumstances (para.3.54).

Reflecting the Irish approach, the Law Commission provisionally proposes that the ‘main requirement of any wedding ceremony would be that the parties consent to the marriage’ (para 3.62) with two witnesses also required for every ceremony (para 3.62). On the issue of civil ceremonies, on the other hand, the proposals diverge from current Irish (and English) law and suggest permitting religious content during civil ceremonies provided that the ceremony remains identifiable as a civil ceremony rather than a religious service (para. 3.60).

Perhaps the most substantive differences between the proposals advanced and the current framework applied in Ireland, however, arise in the context of the Commission’s provisional proposals for the regulation of wedding venues. The Commission was particularly keen to present proposals overhauling the highly prescriptive and inconsistent rules regulating locations for wedding ceremonies in the jurisdiction.¹⁸ While the Commission specifically considered the Irish approach to wedding locations and highlighted its merits, it concluded that such ‘limited reform’ would not be appropriate (para. 7.109). As well as noting the higher level of regulation of civil weddings under Irish law – ‘[a] continuing difference in treatment’ which would ‘undermine the principle of fairness and equality underpinning our review’ (para. 7.110) – the Commission found the limitation of all wedding ceremonies to public buildings or associated land problematic:

Significantly, this option would not help couples for whom the most meaningful place to marry is outdoors in a place unconnected to a building, such as on a beach or hilltop, or in a forest, field or meadow. . . . we think that this solution does not go far enough to respect individuals' wishes and beliefs . . . (para. 7.111).

Accordingly, the Commission presented provisional proposals under which a wedding in England and Wales would be legally permitted to take place anywhere indoors or outdoors with no requirement for public accessibility or open doors. Moreover, the Commission proposed weddings could legally be permitted in private venues such as family homes without the need for any pre-approval process (see Chapter 7). The location of a wedding would, however, be subject to the officiant's consent, having regard to its 'safety and dignity' (para. 3.66).¹⁹

Conclusion

The scheme proposed by the Law Commission for England and Wales bears considerable similarities with that currently applied in Ireland. At a broad level, reminiscent of the changes introduced through the Civil Registration Act 2004, the proposed regime seeks to establish universal formalities for wedding celebrations in England and Wales ensuring greater clarity, consistency and fairness. At a more technical level, the proposed adoption of a Schedule mirrors the use of the Marriage Registration Form in Ireland while the move to nominated officiants for non-Anglican religions (and potentially secular bodies) also largely reflects the Irish model of registered solemnisers. Nevertheless, a number of interesting points of divergence may be highlighted, most especially in relation to the regulation of wedding venues. Before determining whether Irish law on wedding venues ought to be liberalised further, it is first necessary to consider how Irish wedding practice has evolved under the 2004 Act (as amended).

Part II: changing wedding practices and venues in Ireland 2004–2019

When the Civil Registration Act was first enacted in 2004, 80% of weddings conducted in Ireland involved religious ceremonies.²⁰ In particular, 76% were undertaken according to the rites of the Roman Catholic Church.²¹ While these figures were down on those recorded just 10 years earlier (in 1994, 95% of weddings conducted involved religious ceremonies and 91% were Roman Catholic ceremonies),²² they were none the less demonstrative of a society in which Catholic wedding ceremonies remained predominant. The most important minority religion in the state, the Church of Ireland, conducted a further 3% of wedding ceremonies with just 1% of ceremonies attributed to 'other religions'.²³ Civil ceremonies undertaken in Registry Offices comprised the final 20% of all wedding ceremonies in 2004.²⁴

Figures for 2019, however, show a very different and much more diverse weddings landscape. Although the overall share of religious ceremonies in 2019 fell to 59%, a fall of 21 percentage points, this figure masks the true decline in the hitherto dominant religions. According to the Central Statistics Office, just 43.6% of weddings conducted in 2019 involved Roman Catholic ceremonies, a decline of 33 percentage points compared to 2004.²⁵ The share of ceremonies conducted by the Church of Ireland also fell by half to just 1.4%.²⁶ However, not all religions saw a decline. This period also saw the

arrival (and rapid growth) of the religious weddings market of the Spiritualist Union of Ireland [SUI] with Spiritualist weddings in 2019 accounting for 8% of all wedding ceremonies.²⁷ 'Other religions' accounted for 6% of all ceremonies.²⁸ Thus, taking into account the differing definitions used for 'other religions', it may be observed that marriages by religions other than the Roman Catholic Church and the Church of Ireland actually grew from 1% to 14% in the period 2004 to 2019. In terms of civil ceremonies, the percentage of weddings rose by more than half from 20% in 2004 to 31.6% in 2019.²⁹ Finally, although unavailable in 2004, since the commencement of the Civil Registration (Amendment) Act 2012 secular ceremonies are now legally recognised in Ireland. Such ceremonies, overwhelmingly conducted by the Humanist Association of Ireland [HAI], accounted for a further 9.4% of all wedding ceremonies undertaken in the State in 2019.³⁰

These statistics, displaying the growing diversity of wedding ceremonies celebrated in Ireland, speak forcefully to the religious, cultural and social shifts witnessed in the jurisdiction since the start of the 21st century. The legislative scheme applied under the 2004 Act (as amended) also facilitates these shifts to be manifest in terms of the venues used for the wedding ceremonies themselves. For example, while in 2004, 96% of all wedding ceremonies were conducted in either a Roman Catholic church or Register Office, in 2019, just 65% of all marriages were celebrated in such venues: a drop of 31 percentage points. Approximately 25% of all wedding ceremonies are now conducted by other religious and secular bodies in venues decided by the couple and the solemniser subject only to the public location requirement.³¹ Civil ceremonies undertaken in Approved Premises account for the final 10% of wedding venues chosen in 2019 (Department of Social Protection 2020, p. 18).

Part III: potential avenues for reform in Ireland

The introduction of the Civil Registration Act 2004 (as amended) coincided with a period of significant social and religious change in Ireland. As the popularity of the Roman Catholic Church declined, many couples instead chose to celebrate their weddings in non-traditional ceremonies, and – thanks to the provisions of the 2004 Act (as amended) – were very often able to do so in non-traditional, non-church based venues.

Whether the Irish legislature actually envisaged affording such latitude to intending couples vis-à-vis the location of wedding ceremonies is highly questionable. Although through the 2004 Act (as amended) it consciously chose to liberalise the location requirements for civil ceremonies conducted in the State, in doing so it set down quite a stringent approval process for venues outside the Registry Office.³² While minimal limitations were placed on the venue for religious weddings (then the only alternative available), this could hardly be viewed as a liberalising step given that 99% of religious marriages in 2004 were conducted by the Roman Catholic Church and Church of Ireland. The growth of the Spiritualist Union of Ireland, and the proliferation of 'many small, newly recognised, religions for whom little information appears publicly available' (Leahy and O'Sullivan 2018), were unforeseen. Although secular ceremonies were subsequently recognised in 2012 and became subject to the same location requirements as religious ceremonies, they too have seen a growth in popularity beyond all expectations (Birney 2019, reports Humanist ceremonies book out a year in advance).

However, given the volume of weddings taking place in locations other than the heretofore dominant venues of the Catholic church and Registry Office, it is now necessary to investigate the nuances of the laws regulating wedding venues in Ireland and identify any weaknesses therein. Moreover, given that it may be regarded as doubtful that there would be an appetite in Government for the general (re)imposition of tighter restrictions,³³ an investigation of measures for the further liberalisation of Irish venue requirements to cure any anomalies or ambiguities emerging, would appear to be of potentially greater value.

In this context, the recent deliberations of the Law Commission for England and Wales are of particular interest. In devising its provisional new scheme of civil formalities for weddings, the Commission assiduously sought to avoid the introduction or retention of any unnecessary obstacles liable to prevent intending couples from having their wedding ceremony in a place that would be meaningful to them. From this position, and with a view to avoiding any confusion, the Commission proposed removing almost all of the barriers that seek to limit the range of venues available. Reflecting on these discussions, let us consider what reforms might also be worth considering in Ireland

Question 1: Should the separate approval process for civil wedding venues in Ireland be removed?

Since the commencement of the Civil Registration Act 2004 (as amended), a couple may undertake a civil wedding ceremony in a location other than the Registry Office³⁴ provided the venue is pre-approved by the Health Service Executive (HSE). Taking advantage of this change in the law, approximately one third of all civil wedding ceremonies conducted in Ireland now take place in HSE-approved venues ‘such as hotels, places of historic or cultural significance, stately properties and civic buildings or sites’ (Department of Social Protection 2020, p. 18). However, while the liberalisation of the location requirements for civil wedding ceremonies was warmly welcomed, concerns have been raised in recent times in relation to the approval process itself (see Leahy and O’Sullivan 2018).

The most important source of information guiding the HSE in this approval process are the *Guidelines for Marriage Venues* produced by the Department of Health and published by the Department of Social Protection.³⁵ Beyond the ‘public place’ requirement, the *Guidelines* set out a list of criteria for securing approval.³⁶ In addition to ensuring adequate capacity to accommodate those attending the ceremony, only venues that allow ‘unrestricted public access’ will be considered for approval.³⁷ The proposed wedding venue must meet planning permission, fire safety and health and safety requirements, have public liability insurance cover and ‘be accessible to all’. The proposed venue must, moreover, be ‘be clearly recognised by description and location’ and ‘must have no recent or continuing connection with any religion, religious practice or religious persuasion’. Interestingly, although prior to 2018 the *Guidelines* stated that having regard to its primary use, situation, construction and state of repair, the place in which a wedding may be solemnised must, in the opinion of the registrar, ‘be a seemly and dignified venue’, this condition appears to have been removed from the latest 2020 iteration.³⁸ Precisely why or when this change was undertaken remains unclear.

Where these criteria are met once, it might have been assumed that a venue would then be approved to host civil wedding ceremonies going forward. However, this is not a foregone conclusion: further limitations exist. First, although various venues highlight that they are 'licensed for civil weddings', no 'licence', as such, is awarded to venues under the 2004 Act (as amended).³⁹ Rather, venues must secure separate approval for each civil wedding intended to be undertaken on the premises. Whether a new inspection of the premises is required where a venue has previously secured approval, remains at the discretion of the Superintendent General for the area. Second, anecdotal evidence suggests that factors beyond those listed in the *Guidelines* may prove decisive as grounds for refusing authorisation. The absence of a landline phone was, for example, reported as a reason for withholding authorisation on at least one occasion (Irish Independent 2017).

Setting aside any questions which may be raised as to the fairness and/or transparency of the approval regime, a more fundamental question might be asked: why do civil wedding venues, specifically, require such regulation in the first place? The Law Commission for England and Wales was critical of this disparity of treatment depending on ceremony type under Irish law. In advocating for a different approach, the Commission made a number of points. First, the Commission highlighted the range of legal regimes already in place regulating residential and commercial properties as well as businesses offering services to the public to ensure that the buildings and services are safe for the public and do not create a nuisance. The Commission (para. 7.47) reflected: 'It is not clear to us why those regimes are regarded as sufficient for other activities – including birthday parties, anniversary parties, naming ceremonies, religious ceremonies and celebrations, lectures, and conferences – but not for civil weddings'. Second, the Commission (para. 7.129) argued that reducing the complexity of having different rules for different weddings, and the complexity of pre-approval, would 'further the principles of certainty and simplicity'. Third, the Commission (para. 7.130) suggested that the removal of a pre-approval process would 'reduce unnecessary, costly regulation' (on the issue of costs, see also para. 7.112). Highlighting that Scotland, as well as other Commonwealth countries, does not require such pre-approval, the Commission (para. 7.133) felt that 'any interest that the state has in where a wedding can take place should focus on ensuring that the wedding is safe and appropriately dignified'. The Commission thus recommended the removal of the compulsory pre-approval process for all venues (at para 7.194 it suggested that there could be a voluntary pre-approval mechanism for venues which regularly hold weddings to show they are safe and dignified). The Commission (para. 7.124) concluded: 'We consider that this approach maximises choice, without compromising on the dignity or safety of a wedding, while ensuring fairness and equality for all couples, regardless of whether they seek a religious (or, if permitted, a non-religious belief) wedding, or a civil ceremony'.

Many of the Commission's concerns appear to be borne out in Ireland. Under the two-tier system applied, civil marriage ceremonies are subject to significantly more rigorous location requirements than religious or secular ceremonies creating a mis-match in regulation. For example, where a venue wishes to host a civil ceremony, as arose for 10% of weddings in 2019, it must submit to a strict approval process. Alternatively, where the same venue intends to host a wedding conducted by the Spiritualist Union of Ireland or the Humanist Association of Ireland – which combined accounted for 17.4% of weddings in 2019 – no approval is required. If the additional 6% of ceremonies

conducted by ‘other religions’ are added to the mix, it appears almost one quarter of all weddings in 2019 may have taken place in locations beyond traditional places of worship subject only to the public location requirement.⁴⁰ While the ability of religious and secular bodies to solemnise weddings in venues not subject to an approval process is seen (and marketed) as a significant advantage of such ceremonies over their civil counterparts (see, for example, Birney 2019), the mismatch in regulation appears anomalous. In this context, an equality argument could reasonably be made in supporting reform of the pre-approval process for venues hosting civil ceremonies. The current approach could also be critiqued for creating confusion as to the rules regarding venues (see, for example, Irish Independent 2017, Birney 2019) and adding potentially unnecessary layers of bureaucracy into the wedding process. If, as will be discussed below, the focus was (re)placed on the officiant (civil registrar) to ensure the safety and dignity/solemnity of the venue, there would appear to be ample scope for the de-regulation of this aspect of the civil wedding formalities in Ireland.

Question 2: Should Irish weddings law continue to insist on a ‘building’ requirement?

It might further be suggested that the ‘building’ requirement in Irish weddings law ought to be reconsidered. As outlined above, to be legally recognised, weddings in Ireland must take place in a venue ‘that is open to the public’ namely ‘a building that is open to the public’ or on grounds ‘lying near’ and ‘usually enjoyed with’ such a building. The necessity for a building indicates the need for a fixed structure, seemingly eliminating the possibility in most cases of a beach, park, mountain-top or cliff-side ceremony. Yet precisely how close the open air location of the wedding needs to be to the building to be considered ‘near’, or how often the land needs to be used to be regarded as ‘usually enjoyed’ with the building, is unclear. While the ambiguity of the terminology is problematic, the imposition of fixed definitions to remedy the uncertainty would invariably be arbitrary.⁴¹

Where exactly this building requirement comes from also remains less than clear. Prior to the introduction of the Civil Registration Act 2004, considerable political and legislative attention was focused on the need to liberalise the location requirements under Irish weddings law.⁴² The requirement for all civil ceremonies to take place in a Registry Office attracted particular censure prompting the introduction of the ‘Approved Premises’ regime in the 2004 legislation. A decade later, concerns were raised as to the status of open-air wedding ceremonies with the legality of such ceremonies confirmed (subject to the public location requirement) in amending legislation in 2014.⁴³ However, notwithstanding these reforms and clarifications of the location requirements, the specific rationale for requiring a public ‘building’ has never been explicitly questioned nor explained.

On one hand, this may be viewed as unsurprising. The notion that couples ought to marry in a building (if not a church) may, until very recently, have been regarded as a ‘given’ by many. Although changes in weddings law and practice, particularly since the introduction of the 2004 Act (as amended), have seen incremental shifts away from the orthodox (Christian) view of what a wedding ceremony ought to look like, remnants of that conventional understanding which governed wedding ceremonies for centuries still remain. It is therefore certainly arguable that the retention of a building requirement in

Irish weddings law is largely a historical hangover, with no explicit consideration having been afforded to the merits for its continued application.

Probably the strongest argument for retaining the building requirement is that it best ensures the preservation of the solemnity and dignity of a wedding ceremony.⁴⁴ Yet even this argument is highly questionable. Pursuant to the 2004 Act (as amended) in Ireland, the responsibility for ensuring that the venue for a religious or secular wedding meets the requirements of the legislation rests with the registered solemniser. The addition of express provisions requiring them to also ensure the safety, dignity and solemnity of the venue (similar to the proposals in England and Wales, para. 3.54) would not require radical legislative surgery but would arguably provide a simple solution to any perceived problems arising from the removal of the public 'building' requirement under Irish law.

Indeed, whether the building requirement is, in fact, removed or not, such a provision ought to be inserted into the Irish legislative scheme placing an obligation on all solemnisers and registrars to ensure the safety, dignity and solemnity of the venue. Why the requirement that a venue seeking approval to host a civil ceremony must be 'seemly and dignified'⁴⁵ was recently removed, remains unclear. Prior to its deletion from the *Guidelines for Approved Premises*, it was the first criterion listed, speaking to its importance. While the amendment was presumably intentional, it is unlikely that it marks a change in policy on the part of the Government to permit weddings in locations that are less than 'seemly and dignified'.⁴⁶ More than a building requirement, such a criterion would appear essential to ensure the solemnity of the wedding ceremony is respected.

In light of the increased popularity of non-traditional, non-church based, weddings in Ireland,⁴⁷ and the ever greater flexibility afforded to couples vis-à-vis wedding venues in other common law jurisdictions, it seems inevitable that pressure to liberalise the law and remove the building requirement will mount in the coming years. It is hard, based on the foregoing, to see any reason why such reform should not be forthcoming, albeit that minor legislative tweaking, clarifying the responsibility of both solemnisers and registrars to ensure that the venue is safe, solemn and dignified ought to be introduced.

Question 3: Is it essential to retain an open doors/public location requirement in Ireland?

Taking this argument one step further, a third, more fundamental, question may be raised: is it essential to retain an open doors or public location requirement for weddings in Ireland at all? As stated, unless exempted for health reasons,⁴⁸ a wedding ceremony in Ireland may only take place in a public building or in an area 'near to' and 'usually enjoyed' with it. Weddings may not, for example, be solemnised in a private dwelling or garden. The restriction of wedding ceremonies to specifically *public* locations was justified by the Department of Social Protection

to protect both parties to the marriage . . . to avoid the possibility of coercion, fraud or lack of capacity on the part of a party to a marriage, to prevent marriages taking place in secret, and to provide an opportunity for objections (Department of Social Protection, 2014).⁴⁹

However, whether these justifications continue to stand up to scrutiny is debateable. While the Irish legislature appeared convinced of their merits,⁵⁰ the Law Commission for England and Wales reached the opposite conclusion. It found that public access to

wedding ceremonies was ‘unnecessary’ (para. 6.120). In support of its proposal to abandon an open doors policy – a significant departure from traditional weddings law doctrine in the jurisdiction – the Commission critiqued the principal rationales for such policies, including those advanced by the Irish Government.

The Commission (para. 6.122) considered the justification put forward by the Department of Social Protection in Ireland that a public venue requirement is necessary to enable members of the public to attend a wedding and raise an objection. However, it found that this policy ‘does not appear to provide any benefits in practice’ (para. 6.126). The Commission (para. 6.126) noted that in its work it did not hear ‘of a single occasion on which a member of the public stopped a wedding on the day of the ceremony by raising a legal impediment to the marriage’. Whether such last-minute objections are raised in Irish wedding venues is unclear but anecdotally would appear equally uncommon (the Department of Social Protection 2020, p. 14–15 also stated: ‘Other than objections related to a claim that a marriage may be a marriage of convenience; a number of objections to a single marriage were received during 2019. None of these objections were upheld following investigation by the GRO’.)

Addressing concerns surrounding the appropriateness of allowing wedding ceremonies in private homes, the Commission advanced a number of arguments in support of such a move. First, the Commission (para. 7.143) noted that they had not heard of any problems arising where weddings in private homes already take place, namely deathbed and housebound weddings.⁵¹ Second, the Commission (para. 7.144) were equally not aware of any problems arising in Australia, New Zealand and certain Canadian provinces which place minimal restrictions on the location for a wedding and allow weddings in private homes. Third, the Commission (7.145) disagreed that ‘the public nature of a wedding necessarily means that it cannot take place in a private home or other private venue’ instead pointing to the public role of the preliminaries, witnesses et cetera. Finally, the Commission (para. 7.146) reiterated its belief that the requirement for open doors or public accessibility did not serve ‘an ongoing protective function, either to identify impediments to a marriage or to protect against forced or sham marriages’.

On this latter point, the Commission expressly considered the justification yielded in Ireland based on the need to protect against the potential for coercion and fraud and, again, took a decidedly different view. First, it questioned whether a person may in fact ‘feel more pressured into going through with a wedding if it takes place in public with many people attending’ (para. 7.149). In addition to reiterating the protective function of the preliminaries in helping officials in identifying such marriages, the Commission argued that enforcement against forced or sham marriages does not take place on the day of the wedding (para. 7.149).⁵² The Commission (para. 7.149) explained:

Forced marriages involving persons with capacity to marry are also not generally prevented by enforcement action on the day; rather support is provided to the person suspected of being forced, prior to the wedding taking place. Even if police did wish to take action to prevent a forced marriage on the day of the wedding, they are not restricted in where they can go, so can access private venues. Moreover, should concerns arise on the day of the ceremony, they could be addressed by the officiant . . . Providing public access adds nothing to this safeguard.

Overall, the Commission (6.135) concluded that ‘the public nature of the ceremony, and the state’s interest, can be protected by the requirement that the parties give notice of the intended marriage, by the presence of the authorised officiant and two witnesses at the ceremony, and by registration of the marriage.’ Accordingly, rather than focusing on the wedding venue, the Law Commission for England and Wales supported shifting the emphasis much more onto the protective role of the preliminaries.

It is interesting to consider, therefore, how the self-described ‘robust preliminaries’ (Law Commission for England and Wales 2020, para 6.126) provisionally proposed by the Commission compare to those currently applied in Ireland. It is arguable that despite the fact that the Law Commission (para. 6.126) felt that its proposed preliminaries would ‘give registration officers (and clergy) *ample opportunity* to identify legal impediments to an intended marriage’,⁵³ the various formalities applied under Irish law ensure even greater protection. First, while the proposals advanced by the Law Commission would see intending spouses give 28 days’ notice of their wedding, a significantly longer three-month notice period is applied in Ireland. Although ostensibly introduced ‘in order to give couples intending to marry an opportunity to reflect on the seriousness and importance of the commitment they are making’⁵⁴ (the Inter-Departmental Committee on Reform of Marriage Law 2004, emphasised the importance of retaining the three-month notice period for this reason), such an extended period also provides a greater opportunity to discover any impediments to a proposed marriage.⁵⁵ Second, while both the proposals advanced by the Law Commission for England and Wales and those applied under the Civil Registration Act 2004 (as amended) are premised on two meetings with officials, the Commission proposes to allow the first giving of notice to be undertaken remotely⁵⁶ or both meetings to take place concurrently. As a result, it is highly likely that, in practice, most intending spouses will have just one in-person meeting with officials under these proposals. By contrast, all intending spouses in Ireland must ordinarily undertake two in-person visits to the registrar. While an exemption to the first notification of intended marriage being given in-person is available under section 47 of the 2004 Act (as amended), it may only be obtained through an application to the Circuit Family Court or the High Court and will not be granted ‘unless the applicants show that its grant is justified by serious reasons and is in their interests’.⁵⁷ Figures for 2019 suggest that less than 2% of weddings in the jurisdiction benefitted from such an exemption.⁵⁸

Yet, on deeper examination certain practical weaknesses may be found in this thesis as to the relative strength of the Irish preliminaries. In particular, the difference in tone (and possibly intent) between the Irish legislation and the proposals advanced by the Law Commission are noteworthy. Although the Law Commission for England and Wales envisages potentially only one in-person ‘meeting’ with state officials, the gravity of that ‘meeting’, and the role it plays in providing a protective function, were emphasised. For example, the Commission (para. 3.17) explained:

By ensuring that each party was seen alone, it would also be an opportunity for the registration officer to offer support (or for the local authority to apply for a forced marriage protection order) if there were concerns that one of the parties was being forced into the marriage.

Under Irish law, on the other hand, no ‘meeting’ or interview, *per se*, is required. Section 46 of the 2004 Act (as amended) requires that notification of intention to marry is merely ‘delivered’ to the registrar in person by both of the parties to the intended marriage. At the second stage, the intending couple must ‘attend’ at the office of that registrar,⁵⁹ and make and sign a declaration in his or her presence that there is no impediment to the marriage. Thus although it has been observed that attending a registrar’s office in person to complete the civil preliminaries ‘is an intrinsic part of making all necessary arrangements for the marriage’,⁶⁰ whether or not the opportunity is routinely availed of to provide a meaningful layer of protection against forced marriages, in particular, remains speculative.

The importance of such engagement with intending spouses cannot be overstated. Although section 38 of the Domestic Violence Act 2018 now expressly provides for the offence of forced marriage, the absence of specific provisions on the Irish Statute Book to prevent forced marriages taking place has been noted (see Leahy 2019, p. 90).⁶¹ Yet, while the introduction of measures akin, for example, to the Forced Marriage Protection Orders utilised in England and Wales could be used to plug this gap (Leahy 2019, p. 90 argues ‘these orders can function very similarly to protective orders available under domestic violence legislation and would fit neatly within the current regime in the Domestic Violence Act 2018’), a more nuanced approach to the giving of notice could be equally important. Insisting, for example, that the registrar meets with both intending spouses individually, allowing them an opportunity to raise any concerns and informing them of the supports available when they do, would arguably play a more protective role than merely requiring the ceremony to take place in public. (As the Law Commission highlights at paras. 4.57–4.59, where the individual being coerced denies they are being forced in to a marriage – perhaps for fear of the repercussions – all that can be done is to make them aware of the support available albeit that the 28 day notice period may not provide sufficient time to take effective action.)

What is clear, however, is the protective role already played by the registrar in the context of preventing sham marriages or so-called marriages of convenience.⁶² Section 58 of the 2004 Act (as amended) now provides that where a registrar forms an opinion that an intended marriage would constitute a marriage of convenience, they are obliged to report the matter to the Superintendent Registrar.⁶³ Since the commencement of these provisions in 2015, a large number of potential marriages of convenience have been identified⁶⁴ with the amendments lauded by the *Ard-Chláraitheoir* (Registrar General) as having had a ‘significant impact’ (Department of Social Protection 2019, para. 34). The particular issues arising as a result of the decision in *Metock v Minister for Justice, Equality and Law Reform*⁶⁵ which conferred residence and freedom of movement rights within the EU to a non-EU citizen married to a non-Irish EU citizen, specifically, appear to be largely addressed.⁶⁶ In its 2019 Annual Report, the *Ard-Chláraitheoir* notes that since implementation of the new provisions, the number of marriage notifications involving a non-Irish EU national and a non-EU national has reduced by three-quarters, fallings from 1,584 in 2015 to 426 in 2019, with a similar reduction evident in the marriages ultimately concluded (Department of Social Protection 2020, p. 15).

Sham marriages in Ireland are, therefore, most commonly identified and addressed at the marriage notification stage with seemingly few, if any, enforcement actions taken to prevent suspected weddings on the day of the ceremony. Similarly, the likelihood of

enforcement actions being taken at wedding venues against forced marriages appears minimal while anecdotal evidence suggests that impediments to a marriage are rarely, if ever, raised by members of the public at a wedding ceremony. To the contrary, current preliminaries appear to play a much more significant role in addressing these issues and seem to considerably reduce the importance of retaining a public location requirement.

It would undoubtedly be a big step to remove the public location requirement from Irish weddings law, but arguably it ought to be considered. The Law Commission does make a compelling case for reform in England and Wales and while the proposals would signify a dramatic move away from the status quo in that jurisdiction, such reform might well be regarded as a natural progression in the further liberalisation of Irish weddings law which started in 2004. While the state undoubtedly retains an interest in weddings – in addition to being ‘a public rite of passage’, Nussbaum notes a wedding also marks ‘the entry into a privileged civic status’ (2010, p. 669) – this could be met by entrusting officiants with the responsibility to ensure weddings take place in safe, dignified and solemn locations. Beyond these minimum standards, it is hard to see what interest the Irish State retains in limiting wedding venues to exclusively public locations.

Fiche Bliain ag Fás: lessons for legislatures in Ireland and England

Given that the Law Commission for England and Wales focused on constructing a scheme around the *minimum* requirements to satisfy the State’s interest in weddings,⁶⁷ the framework it provisionally proposed, particularly regarding venues, would require far reaching reform. While it remains to be seen whether such proposals are supported in the public consultation and ultimately receive the backing of Government, it is likely that there may be some calls for a more conservative approach. However, as this analysis highlights, the Irish experience may present a cautionary tale in this regard.

As noted, incremental changes in Irish weddings law and practice over almost 20 years have resulted in the emergence of certain anomalies and ambiguities. The tight restrictions which continue to regulate civil ceremonies undertaken outside the Registry Office seem out of step with the much more flexible approach adopted in relation to religious and secular ceremonies. Moreover, the retention of a public *building* requirement seems somewhat tenuous where outdoor weddings are allowed in grounds lying ‘near’ to and ‘usually enjoyed with’ the building itself. The potential for such issues also arising in England and Wales should such restrictions be retained (perhaps as a means of appeasing those seeking a more conservative approach than that proposed by the Law Commission), appears high.

From the Irish legislator’s perspective, on the other hand, minimal tweaking would greatly improve the overall scheme. The removal of the approval process for venues seeking to host a civil ceremony and the inclusion of a positive obligation on all solemnisers (civil, religious and secular) to ensure locations are safe, dignified and solemn – reflecting the ‘solemnity of the marriage contract’⁶⁸ – would certainly streamline this aspect of the law and eliminate current anomalies. The removal of the building requirement would further simplify the regime, increase credibility in the framework and allow couples to marry in a much wider range of venues. The most challenging proposal considered here – and the one most likely to meet resistance – is that pertaining to the

removal of the open doors policy in Irish weddings law. While the strongest argument in favour of retaining an open doors policy is that it may play an important protective role, this justification seems somewhat unconvincing in 2021. The preliminaries currently applied in Ireland already provide an important protective shield to those involved (and the institution itself) and further gentle modifications of the existing regime could bolster these protections. In particular, minor fine-tuning of either law or policy, emphasising the gravity and protective function of the in-person visits to the civil authorities, could better assist in identifying and supporting those vulnerable to becoming victims of forced marriage. The adoption of Forced Marriage Protection Orders could provide another important layer of protection.

Conclusion

In sharp contrast to other areas of the Irish Statute Book, Irish weddings law may rightly be regarded as modern and innovative. The Civil Registration Act 2004 streamlined and updated the regulatory framework for wedding ceremonies in the State, bringing it firmly into the 21st century. Moreover, the legislature has to be commended for its willingness to tinker with the 2004 Act in the almost 20 years since it was first drafted. Amendments have been introduced to respond to the need for secular weddings,⁶⁹ to clarify the position on outdoor wedding venues⁷⁰ and to react to the threat of sham marriages.⁷¹ Nevertheless, certain anomalies and ambiguities in the rules governing wedding venues have emerged in light of contemporary wedding practice which ought to be addressed. It is these practical shortcomings of the Irish legislation that should be of interest to the legislature in England and Wales if it seeks to pursue a more conservative approach to the regulation of wedding venues than that proposed to date by the Law Commission.

Whether the reforms provisionally set out by the Law Commission for England and Wales ever come to fruition in that jurisdiction remains to be seen. Nevertheless, the potential inherent in some of the suggestions presented certainly provides food for thought in Ireland. Only time will tell if we, on this side of the Irish Sea, take the plunge with the further reform and liberalisation of the law governing wedding venues.

Notes

1. There were 20,313 marriages in Ireland in 2019 including 640 same-sex marriages, see Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/releasesandpublications/er/mar/marriages2019/> [Accessed 20 January 2021]. This was down slightly on recent years. In 2016, for example, 22,626 weddings were celebrated, see Central Statistics Office. 2017. *Marriages and Civil Partnerships 2016*. Available from <https://www.cso.ie/en/releasesandpublications/er/mcp/marriagesandcivilpartnerships2016/> [Accessed 20 January 2021]. Note, however, these figures reflect only legally registered wedding ceremonies in Ireland. It remains unclear how many unregistered, non-legally binding, weddings might be taking place.
2. The Law Commission's consultation on its provisional proposals closed on 4 January 2021. A report with recommendations for Government is due in the second half of 2021. The Consultation Paper built on the Law Commission's, *Getting Married: A Scoping Paper*. 2015. Available from: www.lawcom.gov.uk [Accessed 20 January 2021]. Note also, for ease of reference the title to this paper refers to England albeit that the article considers weddings law in England and Wales.

3. Due to the coronavirus pandemic, the notification of intention to marry may temporarily be posted or emailed in, see Citizen's Information, *Notification requirements for marriage*. Available from https://www.citizensinformation.ie/en/birth_family_relationships/getting_married/notification_requirements_for_marriage.html [Accessed 23 November 2020].
4. Impediments include, for example, where one spouse is already married or is under age, see Department of Social Protection. *Impediments to Marriage in Ireland*. Available from <https://www.gov.ie/en/publication/a4a0c2-impediments-to-marriage-in-ireland/> [Accessed 20 January 2021].
5. Section 51.
6. Section 51(3)(a).
7. Note, as originally drafted the legislation set out a requirement for intending spouses to expressly state that there were no impediments to the marriage taking place. However, within the Church of Ireland that position was indicated by silence. As a result, a compromise was found through the inclusion of section 51(9) whereby a declaration may be explicitly made before witnesses prior to the commencement of the liturgy.
8. Section 51(4).
9. Section 51.
10. Section 51(2)(2A).
11. Section 52(1). See below for more.
12. Secular weddings, for example Humanist weddings, are not legally recognised.
13. For example, in Jewish and Quaker weddings, although certain persons are legally required to register the marriages, they do not have to be attended by anyone in particular, and there is no legal requirement for witnesses. See sections 26(1)(c) to (d), 26B(2) and (4), 47, 50(1) (d) to (e), 53(b) to (c), and 55(1) to (2) of the Marriage Act 1949 (as amended). For weddings falling into the 'catch all' category, by contrast, there must be present a registrar of marriages or an authorised person, see section 44(2) of the Marriage Act 1949 (as amended). Two witnesses must also be present. For more on the current law in England and Wales, see Law Commission for England and Wales (2020, Chapter 2).
14. Following this initial giving of notice, at which point the couple would be required to identify their chosen officiant and supply evidence of their identity, including nationality, the registration service would then publicise the intended marriage online on a national database of notices with individual register offices giving access to the online list to members of the public on request, see para. 3.16.
15. The Commission has left it open as to when precisely this meeting should take place, whether three, seven, or another number of days in advance of authority being given.
16. For more on the preliminaries, see Law Commission of England and Wales, 2020, Chapter 4.
17. [2013] UKSC 77, [2014] AC 610 at [57] per Lord Toulson.
18. For example, while Jewish and Quaker weddings are not subject to any legal restrictions on location (see sections 26(1)(c) and (e), 26B(2) and (4), and 47 of the Marriage Act 1949 (as amended)), for couples who wish to have a wedding according to the requirements of any faith in the final 'catch all' category, the wedding must take place in premises registered for the purposes of marriage (see sections 41–44 of the Marriage Act 1949 (as amended)).
19. At para. 7.124 it explains that the General Register Office would provide guidance to officiants on matters of dignity and safety which the officiant would be required to consider in agreeing to the location. Note, with regard to registration, the couple, witnesses and officiant would be required to sign a Schedule at the end of the ceremony which would then be returned to the registration service within one week of the ceremony, see paras 3.72–3.74. This mirrors the Irish approach whereby the couple, witnesses and officiant must sign the Marriage Registration Form following the wedding ceremony. It must then be returned to the registrar within one month of the ceremony at which point the registrar may enter the marriage on the official register.
20. Central Statistics Office. 2010. *Marriages 2004*. Available from <https://www.cso.ie/en/media/csoie/releasespublications/documents/vitalstats/2004/marriages2004.pdf> [Accessed 20 January 2021].

21. Central Statistics Office. 2010. *Marriages 2004*. Available from <https://www.cso.ie/en/media/csoie/releasespublications/documents/vitalstats/2004/marriages2004.pdf> [Accessed 20 January 2021].
22. Note, divorce was unavailable in Ireland prior to the enactment of the Family Law (Divorce) Act 1996.
23. Central Statistics Office. 2010. *Marriages 2004*. Available from <https://www.cso.ie/en/media/csoie/releasespublications/documents/vitalstats/2004/marriages2004.pdf> [Accessed 20 January 2021].
24. Central Statistics Office. 2010. *Marriages 2004*. Available from <https://www.cso.ie/en/media/csoie/releasespublications/documents/vitalstats/2004/marriages2004.pdf> [Accessed 20 January 2021].
25. Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/relea sesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021]. This equates to a 43% decline.
26. Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/relea sesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021].
27. Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/relea sesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021]. Note, Methodist weddings in 2019 accounted for 0.3% of weddings. Specific figures for wedding ceremonies conducted by the Spiritualist Union of Ireland were only included from 2014. There is no Census data available on how many people identify as Spiritualists. However, it is not necessary to be Spiritualist or a member of the SUI to have a Spiritualist ceremony.
28. Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/relea sesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021].
29. Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/relea sesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021].
30. Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/relea sesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021]. There is no Census data available on how many people in Ireland identify as Humanist. However, again, it is not necessary to be Humanist or a member of the HAI to have a Humanist ceremony.
31. While some of these ceremonies will be held by minority religions in places of worship, a significant proportion will not.
32. See below. Further speaking to the conservative mindset at the time, the 2004 Act as originally enacted carried a blanket ban on the solemnisation of marriage in private locations. The exemption on health grounds was only included in 2007 following the amendment of section 51(2)(c) by Pt 5, Sched 2 of the Health Act 2007.
33. In recent times, Government policies in relation to family law have sought to be more progressive and inclusive resulting in the introduction of same-sex marriage, secular marriage etc. The re-imposition of restrictions would likely be seen as a regressive step.
34. Or place referred to in section 51(2) of the 2004 Act (as amended).
35. The current list is reproduced by Department of Social Protection. *Get Married in Ireland*. Available from https://www.welfare.ie/en/Pages/Getting_Married.aspx#sect2 [Accessed 20 January 2021] with the page last updated on 24 December 2020. Given that those seeking information online are directed to this list from the General Register Office and the new list is also carried by the HSE (reproduced at <https://www2.hse.ie/services/births-deaths-and-marriages/how-to-get-married-in-ireland/choosing-a-venue-for-a-civil-marriage-ceremony.html>) it is to be assumed it is the most accurate version. It is important to note, however, that a more extensive list was produced by the Department of Social Protection on 29 May 2015 and was previously available from the same webpage [Accessed 3 July 2018]. See also section 52(1) of the 2004 Act (as amended).
36. Although technically 'guidelines', the language used in the latest iteration is imperative as venues 'must' have these characteristics.
37. A previous iteration of this guideline required 'unrestricted public access *without charge*' (emphasis added).

38. See above.
39. See, for example, One Fab Day, *How to Get Married in Ireland: An Easy Guide to Making it Legal*. Available from <https://www.onefabday.com/ie/getting-married-in-ireland-advice-on-legalities/> [Accessed 20 January 2021]. This popular website (incorrectly) states: 'If you wish to marry at a venue outside of the registry office, check that the venue, and the specific room you want the ceremony in, is licensed for civil ceremonies, or you will have to organise this.' (Emphasis added).
40. Although both the SUI and the HAI have premises where they can celebrate a wedding ceremony, both emphasise their willingness to conduct ceremonies at other locations, see <https://spiritualceremonies.ie/> and <https://www.humanism.ie/>. Anecdotal evidence suggests the vast majority of ceremonies are celebrated in locations beyond their premises. It is also important to note that although Islam now represented the third largest religion in Ireland, only 24 marriages were registered for the community in 2019. With thanks to Ms. Margaret Hurley, CSO for confirming statistics. For more on Muslim marriage in Ireland, see Leahy and O'Sullivan (2019).
41. For example, a rule that ceremonies must take place within 200 m of a public building.
42. See below.
43. Civil Registration (Amendment) Act 2014.
44. Deputy Séan Ryan T.D. noted in Dáil Éireann: 'Couples should be free to select a location but obviously the venue for a marriage ceremony should be a dignified one.' See Dáil Éireann debate, *Civil Registration Bill 2003: Second Stage (Resumed)* (Wednesday, 28 January 2004) Vol. 578 No. 5. Available from <https://www.oireachtas.ie/en/debates/debate/dail/2004-01-28/17/> [Accessed 20 January 2021] (emphasis added).
45. The formerly applicable guidelines were available on the website of the Department of Social Protection. *Get Married in Ireland*. Available from https://www.welfare.ie/en/Pages/Getting_Married.aspx#sect2 [Accessed 3 July 2018].
46. The solemnity of weddings is regularly referenced by the Irish legislature. See, for example, the comments of Senator Jim Walsh in 2012: 'Everybody is in agreement that marriage is a fairly fundamental institution . . . it is important that those who solemnise marriage meet certain criteria and a certain standard and that it is a serious event . . . ' Seanad Éireann debate *Civil Registration (Amendment) Bill 2012: Committee and Remaining Stages* (Wednesday, 2 May 2012) Vol. 215 No. 3. Available from <https://www.oireachtas.ie/en/debates/debate/seanad/2012-05-02/7/> [Accessed 20 January 2021]. (Emphasis added).
47. See above.
48. See above.
49. See also Dáil Éireann debate. *Civil Registration (Amendment) Bill 2014: Second Stage*. (Tuesday, 7 October 2014) Vol. 853 No. 1. Available from <https://www.oireachtas.ie/en/debates/debate/dail/2014-10-07/27/>. [Accessed 20 January 2021].
50. If indeed the question was actually given thought.
51. Indeed, it could be argued the potential for a forced wedding could be heightened in these circumstances given the potential inheritance implications.
52. Where a sham marriage is in question, the Commission stated at para. 7.149: 'Home Office policy is not to act on concerns . . . by preventing the wedding taking place on the day; rather, the focus is on preventing a person from getting an immigration advantage from the marriage . . . '.
53. Emphasis added.
54. Per Minister Mary Coughlan. Seanad Éireann debate, *Civil Registration Bill 2003: Second Stage* (Wednesday, 11 February 2004) Vol. 175 No. 9. Available from <https://www.oireachtas.ie/en/debates/debate/seanad/2004-02-11/18/>. [Accessed 20 January 2021].
55. It also potentially gives greater scope to an individual to take effective action against a forced marriage, see below.
56. To facilitate intending spouses travelling from overseas.
57. Section 47(2)(d).

58. According to the Courts Service (2020, p. 78) there were 421 applications for an exemption to the three-month notice requirement with 359 exemptions resolved. The Central Statistics Office. 2020. *Marriages 2019*. Available from <https://www.cso.ie/en/releasesandpublications/er/mar/marriages2019/>. [Accessed 20 January 2021] notes there were 20,313 marriages in Ireland in 2019. Therefore, a mere 1.7% of registered weddings in Ireland in 2019 were exempted from the three month notice requirement.
59. Or at any other convenient place specified by that registrar.
60. Minister Mary Coughlan, Seanad Éireann debate, *Civil Registration Bill 2003: Committee Stage* (Wednesday, 18 February 2004) Vol. 175 No. 11. Available from <https://www.oireachtas.ie/en/debates/debate/seanad/2004-02-18/6/> [Accessed 20 January 2021]. Note, postal notifications were previously allowed under the Family Law Act 1995 and are currently accepted in light of the pandemic.
61. However, note the removal of the exemption to the minimum age requirement for marriage under section 45 of the Domestic Violence Act 2018.
62. These are marriages entered into for the sole purpose of securing an immigration advantage and circumventing immigration controls, see section 2 of the Civil Registration Act 2004 (as amended).
63. As introduced through the Civil Registration (Amendment) Act 2014. Where the Superintendent Registrar believes that the proposed marriage would constitute a marriage of convenience, they are obliged to notify the Minister for Justice and Equality.
64. See section 46(3A).
65. C-127/08, European Union: Court of Justice of the European Union, 25 July 2008.
66. Where an Irish national marries a non-EU national, such rights would not arise.
67. This is title of a 1933 autobiography by Muiris Ó Súilleabháin, translating as *Twenty Years A-Growing*.
68. Per Minister Mary Coughlan. Seanad Éireann debate, *Civil Registration Bill 2003: Second Stage* (Wednesday, 11 February 2004) Vol. 175 No. 9. Available from <https://www.oireachtas.ie/en/debates/debate/seanad/2004-02-11/18/>. [Accessed 20 January 2021].
69. Civil Registration (Amendment) Act 2012.
70. Civil Registration (Amendment) Act 2014.
71. See section 3 of the Civil Registration (Amendment) Act 2014.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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