



Department of

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# Belief Marriage and Minimum Age for Marriage or Civil Partnership - a public consultation

**November 2021**

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This consultation will end on 18 February 2022

This consultation exercise is being conducted by the Department of Finance.

This paper is also available on the Department of Finance's website:

[www.finance-ni.gov.uk/consultations](http://www.finance-ni.gov.uk/consultations)

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## Foreword

Getting married, or forming a civil partnership, are among the most important events in many people's lives. It is essential that government makes it possible for consenting adults who wish to marry or to form a civil partnership to do so, and to do so in a way that is in keeping with their deeply held personal beliefs. The last two decades have seen many changes introduced to promote a more equal and inclusive society. These have included the introduction of civil partnerships in 2005, which enabled, for the first time, same-sex couples to have their relationship officially recognised and, more recently, same-sex marriage, both civil and religious. These are significant steps forward in the achievement of equality.

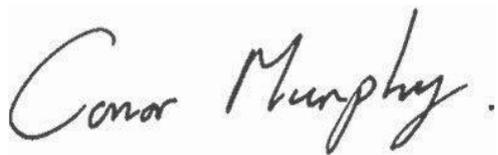
This present consultation is also concerned with marriage and civil partnership. It covers two separate aspects of the current law. The first of these is belief marriage—marriage that is neither civil nor religious but relates to an entirely secular system of thought such as humanism. Until 2017, people in this jurisdiction who subscribed to a secular belief system such as humanism, could not solemnise their marriage in a formal ceremony that reflected their beliefs. This meant that they were treated differently from people with religious beliefs. This inequality was successfully challenged in the courts in 2017, since when government has enabled belief marriages to take place on the basis of interim arrangements. However, in the interest of equality, we must now formally amend the marriage law to give belief marriage its place within in. This consultation is the first step in that process.

The minimum age at which people can marry or form a civil partnership is the second element of this consultation. Government sets minimum ages in a number of areas of life including: drinking alcohol; taking up full-time employment; driving; and sexual consent. Often, we set these restrictions in order to protect children and young people from the risk of exploitation or other types of harm, and to ensure that they are not deprived of vital opportunities such as education or, more basic still, a childhood. Periodically, it is important that we review these age limits to ensure that they are appropriate, that they are achieving what we intended them to achieve. At present, people in this jurisdiction who are 18 and over can, of their own choosing, marry or form a civil partnership, while people aged 16 or 17 can do so conditional

on parental consent. In recent decades, the average age at which people marry has increased. Most people marry in their thirties and the numbers of 16 and 17 year olds who are marrying is very small—fewer than one in a hundred of all marriages. No civil partnerships to date have involved a person under the age of 18.

Although marriage before the age of 18 appears to be becoming increasingly uncommon, recent years have seen criticism that it is allowed at all. The United Nations Committee that oversees the UN Convention on the Rights of the Child (UNCRC) has expressed concern, as has the Human Rights Commission and the Commissioner for Children and Young People. There is an argument that where one of both parties to a marriage are under 18, there is greater risk that that marriage is forced. While there is no legal imperative for us regarding marriage age in the way that there is for belief marriage, I would like to use the present consultation exercise to take a sounding of people's opinions on this important matter as a preliminary to possible legislation.

Belief marriage and the minimum age for marriage and civil partnership are important areas of policy and it is essential that future work in these areas is fully informed by public opinion. I would therefore strongly encourage everyone with an interest in these issues to contribute to this consultation.

A handwritten signature in black ink that reads "Conor Murphy." The signature is written in a cursive, flowing style.

Conor Murphy MLA  
Minister of Finance

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## Introduction

1. Marriage law policy is the responsibility of the Department of Finance (DOF). The Minister of Finance is seeking views on two separate issues:
  - i. A proposed legislative change that would see the inclusion in our marriage law of belief marriage (marriage solemnised by a celebrant who subscribes to a non-religious philosophy such as humanism).
  - ii. The minimum age at which people can legally marry or enter into a civil partnership, currently 16.
2. Changing the marriage laws to include belief marriage would put belief marriage on an equal footing with religious marriage. We are proposing to take this step in order to bring about equality of treatment in line with the judgments of the High Court and the Court of Appeal in 2017. Legislation to include belief marriage in our marriage law is therefore, in the view of the Department, required on account of a clearly stated obligation set out by the courts. The present consultation is thus seeking views only on the detail of that change—change which the courts have already determined should occur—and on some related matters.
3. The minimum age at which a person can marry or enter into a civil partnership is entirely separate from the issue of belief marriage. Under current law, people aged 16 and 17 can marry, or form a civil partnership, *conditional on parental consent*. (No consents are required for people aged 18 and over). The United Nations has criticised the availability of marriage to 16 and 17 year olds here and in other jurisdictions. This is part of a wider campaign against child marriage that has been supported by international NGOs and by local groups and stakeholders. However, we are under no obligation to legislate on minimum age. The principal purpose of the present consultation in respect of

marriage age is to collect as diverse a range of views as possible on that subject on the understanding that these might influence future policy debate.

4. The present consultation document provides some background on both of these issues with a view to seeking your opinion on the understanding that, with regard to belief marriage, we are of the view that the Department is obliged to legislate and intend to do so whereas with regard to minimum age, we are primarily seeking views that might, after careful consideration, influence policy and legislation.

### **Responding to this Consultation**

5. We look forward to receiving your comments and views concerning any of the proposals contained in this consultation. We ask you to exercise care and refrain from the inclusion of any potentially defamatory material as it is our intention to publish responses on the Department's website. We will not publish the names or contact details of respondents, but will include the names of organisations responding.
6. Consultation questions are provided later in this text (pages 33-41) to guide and structure your responses.
7. **We would encourage you to respond to the consultation using the on-line facility on [Citizen Space](#), accessible via NI Direct.**
8. If you prefer to send a written response, this should be emailed to [marriagelawconsultation@finance-ni.gov.uk](mailto:marriagelawconsultation@finance-ni.gov.uk) or posted to:

Marriage Law Consultation  
Departmental Solicitor's Office—Civil Law Reform  
2<sup>nd</sup> Floor Lanyon Plaza  
7 Lanyon Place  
BELFAST  
BT1 3LP

9. A hard copy of the consultation document can be provided on request. Alternative formats may also be available. This document can also be accessed via the Department of Finance website: [www.finance-ni.gov.uk/consultations](http://www.finance-ni.gov.uk/consultations)
10. If you choose to respond to this consultation in writing, we would be grateful if you could provide: your name; the capacity in which you are responding (e.g. as a member of the public, elected representative, or on behalf of a group or organisation); and contact details (e.g. an email address).
11. If you are responding on behalf of a group or organisation, it would greatly help if you could provide some details of the group in question—name, purpose, size. If the response was collective, we would value some detail as to how it was obtained (e.g. via a meeting, through a survey).
12. Consultation will close on **18 February 2022**. Responses received after this date will only be considered in exceptional circumstances and with prior agreement from the Department.
13. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

### **Next Steps in the Consultation Process**

14. Following the closing date, all responses will be analysed and the Department will publish a summary of responses to the consultation.
15. Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information or product names, responses will be made available to the public at <https://www.finance-ni.gov.uk/publications>. If you use the consultation hub, Citizen Space to respond, you will receive a copy of your response via email.

16. We may also wish to make responses to this consultation available to the Northern Ireland Assembly.

17. All personal data will be handled in accordance with UK data protection legislation.

### **Confidentiality and Data Management**

18. Information provided in response to this consultation, including personal data (see Annex A), will be published or disclosed in accordance with the access to information regimes (These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation, and the Environmental Information Regulations 2004. If we receive a request for disclosure of confidential information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

19. The Department of Finance will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

## **Part 1**

### **Belief Marriage**

#### *Background*

1. The Marriage (NI) Order 2003, supplemented by the Marriage Regulations (NI) 2003, governs marriage in this jurisdiction. While marriage policy is, as noted above, the responsibility of DOF, the delivery of that policy, and thereby the implementation of the 2003 Order, falls to the Registrar General and the General Register Office (GRO).
2. The Marriage (NI) Order 2003 was drafted to enable two types of marriage—religious and civil—and this is how it has been implemented until recently. Under the Order, the preliminaries to marriage such as the notice to marry and the marriage schedule are identical regardless of whether the couple prefers a religious or a civil marriage ceremony. It is only when these common, preliminary stages have been completed that different procedures and rules begin to apply depending on whether a religious or a civil marriage is intended.
3. Recent regulations, introduced in 2019 and 2020, enable same sex civil marriage (and opposite sex civil partnerships)<sup>1</sup>, same sex religious marriage<sup>2</sup> and the conversion of same sex civil partnerships to marriages (and opposite sex marriages to civil partnerships)<sup>3</sup>.
4. It is not our intention in the present document to offer exhaustive detail on the various rules and procedures. However, it is hoped that the following paragraphs provide a high level summary of the main requirements.

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<sup>1</sup>The Marriage (Same Sex Couples) and Civil Partnership (Opposite Sex Couples) (Northern Ireland) Regulations 2019.

<sup>2</sup>The Marriage and Civil Partnership (Northern Ireland) Regulations 2020.

<sup>3</sup>The Marriage and Civil Partnership (Northern Ireland) (No.2) Regulations 2020.

## *Religious Marriage*

5. Religious marriages can only be conducted by officiants—members of religious bodies who have been authorised to do so by the Registrar General. The 2003 Order defines a religious body as an organised group of people meeting regularly for religious worship. A religious body that wishes to conduct religious marriages must apply to the Registrar General to request officiant status for one or more of its members. The Registrar General can specify the form of applications and the particulars that applicants must include.
6. The Registrar General can refuse authorisation if, among other things, she believes that the applicant body is not a genuine religious body or if she does not deem a proposed officiant to be a fit and proper person to perform the role.
7. The Registrar General can also refuse authorisation if the marriage ceremony used by the religious body in question does not include or is inconsistent with an appropriate declaration. The 2003 Order, as amended<sup>4</sup>, defines an appropriate declaration as a declaration by the two parties to the marriage in the presence of each other, the officiant and two witnesses that they accept each other as marriage partners.
8. Under Article 14 of the Order, the Registrar General can also give temporary authorisation to a member or members of a religious body, either to solemnise a particular marriage or to solemnise marriages over a given period of time. The Registrar General might, for example, temporarily authorise a member of a religious body who is normally resident in another jurisdiction to perform a marriage ceremony here.
9. Religious bodies have considerable freedom of choice regarding where a marriage can take place; they are not limited to traditional places of worship. Provided the couple, the officiant and the relevant religious body agree on the

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<sup>4</sup>The Marriage (Same Sex Couples) and Civil Partnership (Opposite Sex Couples) (Northern Ireland) Regulations 2019.

venue or location, the marriage can take place there with no input required from the state.

10. There is no prescribed fee for a religious marriage ceremony. Religious organisations are free to set an appropriate fee for the religious marriage ceremonies they conduct. Such fees are intended to cover reasonable costs. However, under the 2003 Order, a person found to have been solemnising marriages on a business basis, for profit or gain, can have their officiant status removed. In practice, many religious organisations do not charge a fee for solemnising a marriage but, by custom and practice, accept a donation.

### *Civil Marriage*

11. With regard to civil marriages, the 2003 Order requires that these are conducted by registrars or deputy registrars who act under the guidance of the Registrar General. Registrars and deputy registrars provide their services at local authority level. They enable councils to fulfil their role as local registration authorities.
12. Civil marriages must be secular in nature and can be held either in a register office or a location approved by the relevant local registration authority such as a hotel or a heritage building. Temporary authorisation for a particular venue such as a private residence can also be given on a one-off basis.
13. Article 31 of the Order empowers the Registrar General to appoint additional registrars to conduct civil marriages if required. This might be done, for example, if there were not enough permanent registrars to solemnise an anticipated number of civil marriages.
14. There are prescribed fees for a civil marriage ceremony which are set by the GRO. The notice fee for a civil marriage is £22, the same as for a religious marriage. The registrar's fee for solemnisation is at present £36 during normal business hours on weekdays. The fee for solemnisation outside business hours or on Saturdays between the hours 9-5 is £162. For evening marriages on a

Saturday or at any time on a Sunday or Bank Holiday a fee of £216 is charged. No fee is charged for the use of the local register office but a fee is charged for other local authority property. A fee is charged if the registrar is asked to attend another, agreed venue. These vary by local registration area and are reflective of the costs incurred.

### *Belief Organisations and Belief Marriage*

15. In the Smyth case, which will be discussed below, the High Court cited the legal test for belief set out in the European Court of Human Rights' judgment in the case of *Eweida and others v United Kingdom* (2013)—‘*The right to freedom of thought, conscience and religion denotes views that attain a certain level of cogency, seriousness, cohesion and importance...*’ On that basis, belief organisations whose members subscribe to a non-religious belief system that has attained an appropriate level of cogency, seriousness, cohesion and importance were judged to be entitled to be treated in the same way as religious organisations. Humanism is one such non-religious belief system.
16. Some humanist groups provide ceremonies to mark the principal life events of their members—e.g. naming ceremonies for children, marriage ceremonies, and funerals. In a humanist ceremony, the marriage is solemnised by a humanist officiant and the form of the ceremony reflects the humanist beliefs of the couple. In some jurisdictions, such as the south of Ireland and Scotland, belief marriages, including humanist marriages, are recognised under the marriage law of those jurisdictions. (The particular arrangements will be described later in this document).
17. Although belief marriage has become well-established in a number of jurisdictions, some concerns were raised during the discussions and debates prior to its being introduced. It was sometimes argued, for example, that there is not always a close connection between a belief organisation and its individual members in the way that there can be with a religious group. With religious marriage, it is sometimes the case that one or both marriage partners has had

a long established connection with the religious organisation in question. They might have been regular attenders at its religious services (or similar), for example, or they might have had a longstanding family connection to the church or religious group. It has been suggested that this close connection provides some guarantee against sham marriage and that belief marriage offer less guarantee in this respect.

18. It has also been alleged that enabling belief marriages creates an opportunity for eccentric or frivolous marriage ceremonies to take place or for there to be forms of ceremony are at odds with the solemnity of the institution of marriage.
19. Neither of these concerns in any way negates the strong case, on equality grounds, for people who have a sincerely held but non-religious belief to have a marriage ceremony reflective of those beliefs. But such concerns do need to be taken into account in the drafting or implementation of the relevant legislation.
20. With regard to the risk of sham marriage, it is our view that it is small, that it is in no way exclusive to belief marriages, and that there are already significant protections against it, including legislation and the best practice approach of the General Register Office, whose registrars have been trained to be alert to possible sham marriages. Similarly, it is not only belief groups that might be eccentric, or frivolous, or that might hold ceremonies that detract from the solemnity of marriage. For this reason, and out of general commitment to equality of treatment, it is important that, going forward, the same scrutiny be applied to religious and belief applicants alike.

### *The Smyth Case and Humanist Marriage*

21. The difference in treatment between religious marriage and belief marriage was successfully challenged in the courts in 2017 (the 'Smyth case'). This challenge and the Courts' judgments (2017 NIQB 55 and 2018 NIQB 25) are summarised in the paragraphs below. Readers are invited to examine the two judgments for

a closer inspection of the arguments put forward in the case, and the analysis of the courts.

22. In 2017, a humanist couple brought a legal challenge to the implementation of the 2003 Order in this jurisdiction. The couple had hoped to have a legally valid humanist marriage here but their humanist celebrant was unsuccessful in obtaining temporary authorisation from the GRO under Article 14 of the Order. (As noted above, Article 14 enables the Registrar General to give temporary authorisation to the members of religious bodies to act as officiants). The GRO reasoned as follows: Under the 2003 Order, only religious organisations—organised groups of people that meet regularly for religious worship—have the legal privilege to marry their members in accord with their beliefs. Belief groups, including humanists, do not fall under the definition of religious groups since they do not meet regularly for religious worship. Therefore they cannot avail of a legal privilege that the Order restricts to religious groups.
23. The couple alleged that this refusal was in breach of their rights under the European Convention on Human Rights (ECHR) and sought a judicial review to have those Articles of the 2003 Order that relate to religious marriage read so as to include belief marriage on the same basis as religious marriage.
24. The High Court agreed that the implementation of the 2003 Order had infringed the couple's rights under the ECHR, specifically Article 9 (freedom of thought, conscience and religion) and Article 14 (freedom from discrimination).
25. Article 9 of the ECHR (freedom of thought, conscience and religion) states:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*

*Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society*

*in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

26. Article 14, prohibition of discrimination, states:

*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*

27. The High Court considered that humanism was a sufficiently cogent, serious, and cohesive world view to engage the couple's rights under Article 9 of the ECHR. It noted, for example, that the British Humanist Association (BHA), of which the couple were members, had been founded in 1896 and had around 55,000 members and more than 70 associated groups. In addition, the BHA had trained and accredited celebrants to conduct humanist ceremonies such as funerals and weddings (not legally binding in England and Wales and, until recently, here) and that BHA-organised funerals and weddings were attended by more than a million people each year. It was on the basis that humanism was a cogent, serious and cohesive belief system important to the humanist couple in the Smyth case that the Court concluded that it was discriminatory to prevent them from having a legally binding humanist marriage ceremony. In short, humanism was an authentic belief system, the BHA, an authentic belief body, and a humanist marriage, a manifestation of that belief. The Court therefore ruled that belief marriage be read into the relevant articles of the legislation.

28. The judgment of the High Court was subsequently appealed. However, the Court of Appeal agreed with much of the argument that had been advanced in the High Court in support of belief marriage. It agreed: that humanism was a serious, cogent and cohesive belief system important to the couple in the Smyth case; that there was no material difference between religious and non-religious belief marriages; and that the GRO's decision not to permit a humanist marriage ceremony had been discriminatory. However, the Court of Appeal suggested a different way to address the equality issue identified by the High Court. Rather

than reading in belief marriage to the religious marriage sections of the Order, the Court of Appeal proposed instead that the Registrar General could use Article 31 of the 2003 Order to appoint humanist celebrants as temporary registrars.

29. The effect of the Courts' judgments is that, since 2017, humanist celebrants have been able to apply to become temporary registrars and thereby to conduct marriage ceremonies for humanists.

### *Belief marriage—developments since 2017*

30. In the period following the judgments of the courts, humanists remained concerned that humanist marriages were not being treated in the same way as religious marriages. The marriage ceremonies now possible, although conducted by humanist celebrants and humanist in character, were nonetheless civil marriages in law. In effect, humanists said, what had been enabled by the decision of the Court of Appeal was that humanist celebrants could apply to become temporary civil registrars and as such provide what were in effect civil marriages, albeit marriages that could be tailored to reflect the values of the participants.

31. Although this arrangement had met the immediate needs arising from the High Court and Court of Appeal judgments, it was argued that Article 31 was here being used for a purpose not intended when the 2003 Order was originally drafted. In addition, there was a view that the Article 31 arrangement did not amount to what humanists had been advocating, which was official recognition of belief marriage and full equality between belief and religious marriage.

32. Humanists pointed to a number of differences between religious marriages conducted under the relevant sections of the 2003 Order and the humanist/civil marriages conducted under the Article 31 arrangement. To humanists, these highlighted the continuing inequality between the two types of marriage. They noted, for example, that when officiant status is granted to a member of a religious group, that status is generally permanent. In contrast, under the Article

31 arrangement, humanist celebrants were required to apply for temporary officiant status each time they wished to perform a marriage ceremony. Also, because the marriages being performed by humanist celebrants acting as temporary registrars were ultimately civil, they were bound by the restrictions that apply to civil marriage. In particular, couples entering a humanist marriage did not have the same flexibility over venue as couples entering a religious marriage.

33. It is in view of these concerns and criticisms that the Finance Minister has launched the present consultation. He wishes to obtain a range of opinions and proposals as to the type of legislative reform that will provide the equality of treatment required by the Courts' judgments.

34. In the interim, in order to prevent further discrimination and to minimise the risk of further legal challenge, the Minister has introduced the following, *temporary* measure. Based on the precedent of Scotland, where marriage law is similar to the marriage law here, he has opted to read in aspects of belief marriage to the 2003 Order.

35. This interim arrangement is consistent with the judgments of the Courts, notably that of the High Court, and has enabled the Registrar General to appoint humanist (and, if necessary, other types of belief celebrant) for a set period of time or to solemnise individual marriages. The effect of this is that belief marriage has been placed on a broadly similar footing with religious marriage albeit for a temporary, though extended, period.

36. The Finance Minister has taken this decision as an interim pending the proposed legislative change that is the basis for the present consultation. The proposed legislative change would see explicit provision for belief marriage introduced into the 2003 Order.

### *Same Sex Marriage*

37. During the discussions leading up to the introduction of the interim arrangement, legislation enabling same sex religious marriage was enacted in

this jurisdiction. The default position for religious bodies is that they do not solemnise same sex marriages unless they explicitly choose to do so. Those that so choose must advise the Registrar General that they are opting in. Individual officiants of a religious body that has opted in can, individually, opt out. It is proposed that the same arrangement would apply to belief bodies. If they wish to perform same sex marriages they will need to apply to the Registrar General to opt in and individual officiants will be free to opt out.

### *Independent Wedding Celebrants*

38. Independent wedding celebrants are distinct and separate from humanist and other belief celebrants. Independent celebrants provide wedding ceremonies that are not legally valid, i.e. that are literally ceremonial. Such ceremonies are offered on a commercial basis and are sometimes organised by couples who have had a civil wedding and would like a further event that is larger, more elaborate and more public.
39. Some independent wedding celebrants have proposed legislative change to enable them to offer legally binding wedding ceremonies. They claim that, previously, humanist celebrants offered a similar service to independent wedding celebrants—marriages that were not legally binding and were offered in an addition to a civil ceremony. They allege that the enabling of humanists to provide legally binding marriages will put independent celebrants at a commercial disadvantage.
40. On the other hand, if government were to permit independent wedding celebrants who currently provide, on a business basis, non-binding wedding ceremonies—literally a ceremony and nothing else—to provide legally binding marriages, it would be obliged in the interest of equality to extend the same commercial opportunity to religious and belief groups. There might also be a considerable impact on civil marriages. If independent celebrants could offer a secular marriage ceremony that was legally binding, the current registration service might see a decrease in the numbers of couples wanting a conventional civil ceremony. It is also likely that extending the right to solemnise marriages

to independent celebrants would create a need for additional regulation. Just as the legitimacy of religious officiants and belief celebrants need to be established, so too would that of independent celebrants.

### *Fees*

41. Religious organisations may, as noted earlier, charge a fee for solemnising a marriage. Such fees are intended to cover reasonable costs incurred, not to generate a profit. Under the 2003 Marriage Order<sup>5</sup>, an officiant found to have been conducting marriage ceremonies on a business basis for profit or gain can lose their officiant status. It is intended that belief organisations operate subject to the same conditions as religious bodies—they can charge a fee for solemnising a marriage in order to recoup the legitimate costs incurred.
42. This reflects the fact that the main purpose of religious and belief marriage is to enable couples to marry in line with their deeply held beliefs. It is not intended to be a commercial activity.
43. For religious or belief organisations alike, the legitimate costs associated with solemnising a marriage might include: the cost of a building—i.e. some legitimate apportionment of its running costs, its upkeep or its maintenance; the cost of training; the fees charged by people who might reasonably be habitually engaged by the organisation or venue to contribute directly to a marriage ceremony such as florists, choristers, musicians or readers.
44. Commercial services associated with a marriage ceremony such as catering or car hire would not be considered legitimate costs that might be recouped via a fee. A wedding reception is not an integral part of the marriage ceremony and is not essential to it. A hotel that hosts wedding receptions does so as one of a number of commercial activities and therefore in pursuit of profit. It would therefore be inappropriate to include the cost of a reception in an officiant's fee.

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<sup>5</sup> Section 12 (1) (d) (ii)

45. Officiants, as noted, might receive gratuities or donations in recognition of the service they have performed, the costs they have incurred or in recognition of the respect in which the couple hold the religious or belief group in question. It might be customary for such payments to be made. These are entirely separate from fees.
46. Belief organisations could, like religious bodies, encourage donations instead of charging fees.
47. At present, government operates on an honour system with regard to religious bodies that solemnise marriages. It is assumed that any fees they charge are legitimate and therefore no monitoring of their charges or their receipts takes place. Fees are investigated only if a complaint is received that raises concerns that an officiant or religious body might be operating in a manner likely to contravene the specific legislative provision set out in the 2003 Order.
48. One policy option following the advent of belief marriage is to continue this arrangement, i.e. to assume that belief organisations, like religious bodies, charge only legitimate fees and to intervene only if a concern of this nature is raised.
49. It has been suggested, however, religious and belief groups that offer marriage ceremonies to their adherents should be required to publicise their fees. This would be much the same as the current arrangement with regard civil marriage where the relevant fees are published.
50. Another suggestion is that officiants and celebrants should be permitted to solemnise only a certain number of marriages a year to minimise solemnisation being conducted for profit.

### *Belief Marriages in Other Jurisdictions*

51. Belief marriages have been legalised in a number of jurisdictions, including the south of Ireland and Scotland.

## Ireland

52. In the south, three types of marriage are now recognised—civil, religious and secular. The Dublin Government introduced secular marriage via the Civil Registration (Amendment) Act 2012 which enables secular bodies to conduct marriage ceremonies. The legislation defines secular bodies as groups that: number at least fifty members; have had a continuous existence of at least five years; are secular, ethical and humanist in their aims; and meet regularly in respect of their beliefs. One effect of this definition is that it establishes qualifying criteria for secular organisations that wish to solemnise marriages. The legislation also states that certain types of group such as political parties or organisations, trade unions, and chambers of commerce are not considered secular groups for the purposes of the legislation.

53. *An tArd-Chláráitheoir* (General Registrar) is responsible for determining whether any particular body is a secular body and whether its proposed form of marriage ceremony is acceptable.

54. In 2018, 61.2% of all marriages in the south were religious; 29.8% civil; and 9% secular.

## Scotland

55. Scottish marriage law is similar to marriage law in this jurisdiction. The 2003 Order was modelled on the 1977 Act in Scotland, and the law and practice in both jurisdictions is comparable. Belief marriages have been possible in Scotland since 2005 when the then General Register Office Scotland (GROS, now the National Records of Scotland—NRS) read belief marriage into relevant sections of the Marriage (Scotland) Act 1977. This enabled the Scottish Registrar General to appoint humanist and other belief celebrants on a temporary basis. The 1977 Act was amended by the Marriage and Civil Partnership (Scotland) Act 2014 to place religious and belief bodies on an equal

footing. Since then, belief marriage celebrants have been appointed on the same basis as religious celebrants.

56. Scottish marriage law defines a belief body as: an organised group of people that is not a religious body; whose principal object (or one of whose principal objects) is to uphold or promote philosophical or humanitarian beliefs; and that meets regularly for that purpose. The Marriage and Civil Partnership (Scotland) Act 2014, unlike the Dublin Government's Civil Registration (Amendment) Act 2012, does not specify which categories of organisation are not deemed belief bodies for the purpose of the legislation.

57. In 2019, more than a fifth of all marriages in Scotland were conducted by humanist or other belief bodies

### England and Wales

58. Humanist marriage is not currently possible in England and Wales. In part, this reflects the absence of common preliminaries to marriage such as exist in this jurisdiction and in Scotland. It also reflects the complexity of arrangements that exists for religious marriages where arrangements differ by religious group. In addition, civil marriages in England and Wales must be secular and follow a prescribed form of words and there is limited freedom regarding marriage venue.

59. The Marriage (Same Sex Couples) Act 2013 created a category of marriages acceptable to the usages of belief-based organisations. This was intended to enable secondary legislation to be introduced that would allow such marriages although this has yet to happen.

60. The Law Commission recently consulted on marriage law in England and Wales, focusing on how and where couples might marry. The aim of the consultation, which ended on 4 January 2021, was to finalise proposals to simplify the current system and introduce belief marriage.

61. In a recent High Court case, six humanist couples sought a declaration that the Westminster Government's refusal to grant legal recognition to belief marriages in England and Wales breached their human rights and must therefore be remedied. Mrs Justice Eady DBE commented that the lack of legal recognition for humanist marriage was discriminatory but that Government had demonstrated that it was actively trying to address by reforming the marriage law, the Law Commission consultation being a stage in this process of reform.

### *Summary*

62. The Courts have established principles in relation to belief marriages from which it follows that the Department considers we are obliged, on grounds of equality, to consider legislation so that belief marriage is treated in an equivalent manner to religious marriage. This consultation is intended to inform the development of that legislation with regard to issues such as: the fees that might be charged to solemnise marriages, both religious and belief; the types of safeguard that might be needed to ensure that organisations applying to solemnise marriages demonstrate the requisite cogency, seriousness, cohesion and importance; the types of safeguard that might need to be put in place to protect against sham marriages or marriage ceremonies that are eccentric or frivolous.

## **Part 2**

### **Minimum Age for Marriage or Civil Partnership**

#### *Background*

1. As noted, the Department is of the view that it is obliged, in the interests of equality of treatment, to legislate on belief marriage. That is an obligation that flows from the judgments on this issue by the courts. There is no such obligation with regard to the minimum age at which people can marry or enter into a civil partnership. However, the Finance Minister is keenly aware that this issue is of importance to many, and that there is a significant children's rights focus, particularly in the context of forced marriages. Therefore, we are keen to invite views and opinions on the subject, with a view to further consideration that may or may not result in legislative change.
2. Marriage and civil partnership are areas of public policy where minimum ages are typically set. Minimum ages are set in legislation in order to protect children from harm. They apply in many areas of life such as employment, entitlement to purchase certain products such as alcohol, the right to vote or to stand for election, and eligibility to hold a driving licence. The rationale for minimum ages is that children and adolescents may not have the capacity to understand fully the consequences of their actions and decisions. They reflect the widely perceived ability of a child or young person to make an informed, independent choice or give meaningful consent.
3. In the case of marriage and civil partnership, minimum age regulations are intended, primarily, to protect children from being coaxed or coerced into marriage as well as to ensure that children can experience and enjoy their childhoods and fully avail of opportunities such as education.
4. Article 1 of the 1990 United Nations Convention on the Rights of the Child (UNCRC) defines a child as 'every human being below the age of 18 years

unless under the law applicable to the child, majority is attained earlier'. Jurisdictions that permit people under the age of 18 to marry are therefore enabling child marriage.

5. At present, under the Marriage (NI) Order 2003 and the Marriage Regulations (NI) 2003, people aged 16 and 17 can marry in this jurisdiction provided they have parental consent while people aged 18 and above are free to marry without consent. The same requirements for consent apply in respect of civil partnerships.
6. On the basis of the UNCRC definition, our current marriage law allows for child marriage/civil partnership for 16-17 year olds albeit conditional on parental consent.
7. The UN and others critical of child marriage allege that, where one or both of the parties to a marriage is a child, there is a risk that one or both parties did not consent and that the marriage was forced. It has also been suggested that, where child marriage is permitted, the effect is to reduce the life chances of girls in particular in areas such as education, training and personal development and autonomy. (It is a current legal requirement that young people continue in training or education until at least the age of 18. That young people under the age of 18 can marry can, it is sometimes argued, works against this legal requirement). Where marriage by under-18s is permitted, girls are, in general, markedly more likely than boys to marry. In our own jurisdiction, for example, as the table later in this section shows, the number of girls marrying has been twice or three times the corresponding number of boys.
8. In November 2020, the third committee of the United Nations General Assembly adopted its fourth resolution on child, early and forced marriage. The resolution called on UN member states to increase their actions to address child, early and forced marriage.
9. In 2015, the UN agreed its seventeen Sustainable Development Goals. Sustainable Development Goal 5 aims to eliminate what it defines as harmful practices, including child, early and forced marriages. Member state

performance against this goal is assessed on the basis of a number of indicators including the proportion of women aged 20-24 who were in a marriage or union before the age of 15 and before the age of 18.

10. The 1990 UN Convention on the Rights of the Child (UNCRC) sets out children's civil, social, cultural and political rights as well as their rights in areas such as health and education. The UN Committee on the Rights of the Child oversees adherence to the Convention by those states ('State Parties') that have ratified it—some 200 to date. The Committee periodically reviews and reports on State Party performance in respect of the Convention.
11. The UN Committee on the Rights of the Child supports increasing the marriage age to 18 in all State Parties. This is one of a number of issues the Committee examines when it monitors State Party compliance with UNCRC.
12. International stakeholders and NGOs such as Save the Children and Girls not Brides have backed the UNCRC's recommendation as have their local counterparts and other local stakeholders. These include the NI Commissioner for Children and Young People (NICCY) and the NI Human Rights Commission (NIHRC). Stakeholder groups have alleged that it is difficult to promote 18 as a minimum age for marriage at an international level when many liberal, democratic states continue to permit under-18s to marry. Many who advocate an increase in the marriage age here and in our neighbouring jurisdictions have said that, aside from any local benefits, this would send a strong, international signal that we do not tolerate marriage by people who are legally children.
13. Stakeholders have also questioned the utility of the parental consent requirement as a means of preventing forced marriage since it might be the parents who have proposed the marriage, who are most supportive of it and who in some cases are in some ways exerting pressure to make it happen. Also, if a person under the age of 18 does not wish to go forward with a marriage, asserting their preference might require them to challenge their parents, their wider family or even their community.

### *Current Position*

14. In practice, few marriages in this jurisdiction—fewer than 1%—involve people under 18. (To date, no civil partnerships here have involved under-18s) The table below presents data for the period 2012-19. It indicates that the actual numbers involved are quite small and that they vary from year to year. However, one constant is that markedly more girls than boys are marrying.

<b>Registration year</b>	<b>Bride aged 16-17</b>	<b>Groom aged 16-17</b>	<b>Both bride and groom aged 16-17</b>
2012	50	26	17
2013	37	18	15
2014	42	26	21
2015	49	19	11
2016	29	9	5
2017	40	12	9
2018	35	14	11
2019	54	15	11

(Source: NISRA 2020)

15. The table below indicates that a majority of the marriages here that involved under-18s were marriages where one or both parties were from outside the jurisdiction.

<b>Registration year</b>	<b>Total Marriages (where one or both &lt;18)</b>	<b>Total Marriages where one or both &lt;18 and from outside jurisdiction</b>
2012	93	60
2013	70	36
2014	89	59
2015	79	47
2016	43	26
2017	61	34
2018	60	39
2019	80	57

(Source: NISRA 2020)

16. There is no evidence that any of these marriages involving under-18s were forced marriages. Registrars and other General Register Office officials throughout this jurisdiction are typically alert to the possibility of forced marriage and the need to act to prevent it.
17. Legislation against forced marriage is also in place. The Forced Marriage (Civil Protection) Act 2007 applies here and enables a court to issue a Forced Marriage Protection Order for a person who is either threatened with or already in a forced marriage. Similarly, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015 criminalises forced marriage whether it has taken place in this jurisdiction or elsewhere.
18. Critics of proposals to raise the current minimum age for marriage (or civil partnership) have claimed that the problems that increasing the age are intended to address—forced marriage, lack of life chances for girls especially—are not conspicuous or evident in this jurisdiction. They have also noted that any such increase would result in a minimum marriage/civil partnerships age

that was higher than the current age of consent, 16, something many might find unacceptable. In addition, increasing the age to 18 would be to remove the option of marriage or civil partnership from teenage parents. Finally, some lobbying and political campaigning in respect of other minimum ages such as the age at which people can vote has focused on lowering the age, not raising it, on the grounds that 16 and 17 year olds are old enough and experienced enough to take their own decisions, free of outside influence. Raising the minimum age for marriages and civil partnerships could be viewed as running counter to that.

### *Comparisons*

19. With regard to the other jurisdictions on these islands, only the Dublin Government has, to date, increased its marriage age in line with UNCRC recommendations. In 2018, it set the minimum marriage age at 18 ending previous arrangements whereby under 18s could marry subject to certain conditions. England and Wales have a similar arrangement to here—under 18s can marry conditional on parental consent while Scotland is anomalous in that its minimum age for marriage without consent is 16. Data for England and Wales indicate that, like here, markedly more girls than boys marry—140 girls and 40 boys in 2017.
  
20. A private members bill sponsored by Pauline Latham MP, the Marriage and Civil Partnership (Minimum Age) Bill, aimed to raise the minimum age for marriage or civil partnership in England and Wales to 18. The Bill had its first reading in the House of Commons on 6 October 2020 but was subsequently paused on account of the Covid pandemic. In June 2021, the Rt Hon Sajid Javid MP launched a new private members bill, with the same objective and the same title—the Marriage and Civil Partnership (Minimum Age) Bill. As before, the Bill applies to England and Wales only. In launching the Bill, Mr Javid stated that its aim was to protect vulnerable teenagers from religious and cultural pressure to marry young. In July 2021, following Mr Javid's return to the Cabinet, the Marriage and Civil Partnership (Minimum Age) Bill was taken over by Pauline

Latham MP. The Bill, which has yet to be published, is scheduled to receive its second reading on 19 November 2021.

21. The Scottish Government is currently considering the question of age of marriage but no firm proposals have as yet been brought forward.
22. In most of Europe, the minimum age at which a person can marry without consent is 18 but many jurisdictions permit under-18s to marry conditional on judicial, administrative or parental consent, or on some combination of these.
23. Outside of these islands, only three European jurisdictions (Latvia, Cyprus, and Malta) permit marriage by under 18s conditional on parental consent alone.
24. Several European states, including Germany, Sweden, the Netherlands and Denmark have, like the south, made 18 the absolute minimum age at which a person can marry.

### *Summary*

25. As noted, there is no obligation for us to legislate on the current minimum age at which people in this jurisdiction can marry or enter into a civil partnership. We are at present primarily seeking views on this issue and are aware of the arguments on both sides. We want to know do people here favour the existing regulations regarding age remaining in place; do they believe the minimum age should be raised to 18 with the current, conditional arrangements for 16 and 17 year olds removed; or do they favour some hybrid approach whereby additional conditions are put in place for 16 and 17 year olds who wish to marry or enter into a civil partnership. We are also interested in knowing if people see marriages or civil partnerships for 16 and 17 year olds creating a greater risk of forced marriage or if child marriage/civil partnership creates any threat to life chances, especially for girls.

## **Consultation Questions**

## **Belief Marriage**

The Minister of Finance is, as noted, consulting on the proposal to amend the Marriage Order 2003 so that belief marriage is placed on an equal footing with religious marriage. The effect of this would be that belief groups can conduct marriages on the same basis as religious groups. The Minister is proposing to take this step in order to address the equality issues identified by the High Court and the Court of Appeal in 2017.

If the proposal is agreed, this will mean that adherents of particular belief groups will be able to apply to become officiants and thereafter perform marriage ceremonies on the same basis as religious officiants. In addition, belief organisations will have the same freedoms as religious bodies with regard to marriage venue and will be able to set their own fee for a marriage ceremony and retain that fee. However, as with religious organisations, any fees charged will be for the purpose of covering legitimate costs incurred. Belief celebrants, like religious officiants, will not be permitted to solemnise marriages for profit or gain.

The following questions are intended to guide and structure your response but are not intended to be exhaustive or prescriptive.

### **Question 1 General**

The rationale for the proposed legislative change is to put belief marriage on an equal footing with religious marriage. This would give effect to the opinion of both the High Court and the Court of Appeal in 2017 that the absence of belief marriage in this jurisdiction breached the human rights of non-religious believers.

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

## **Question 2 Applicants**

In the Smyth case, the High Court noted that the British Humanist Association (BHA), of which the applicant was a member, had 55,000 members and had been in existence for more than a century. It was on the basis that the BHA was an organised belief group of some standing, and that it demonstrated clear cogency, seriousness, cohesion and importance, that the High Court considered that its member, the applicant, could avail of the protections offered by Article 9 of the ECHR.

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

## **Questions 3-5 Qualifying Criteria**

Scottish marriage law defines a belief body as:

- An organised group of people that is not a religious body;
- Whose principal object (or one of whose principal objects) is to uphold or promote philosophical or humanitarian beliefs;
- and
- That meets regularly for that purpose.

Scottish law does not list any particular types of group as being excluded as belief groups.

The Dublin Government's Civil Registration (Amendment) Act 2012, which refers to 'secular' rather than 'belief' bodies, defines secular bodies as groups that:

- Number at least fifty members;
- Have had a continuous existence of at least five years;

- Are secular, ethical and humanist in their aims;  
and
- Meet regularly in respect of their beliefs.

In contrast to the Scottish legislation, it also excludes particular groups such as political parties from being considered secular bodies for the purpose of the legislation.

The effect of this is to establish quite specific qualifying criteria for secular bodies.

Just as in this jurisdiction, the Registrar General determines whether any particular applicant body is a genuine religious organisation, so in the south, *an tArd-Chláraitheoir* determines whether any particular non-religious body applying to solemnise marriages is a secular body for the purpose of the legislation.

**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?**

**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?**

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

### **Questions 6-7 Preventing Sham Marriages**

Concerns have been raised that belief groups might not have as close a connection to their members as religious groups so that a married couple in a belief marriage ceremony might not be as well-known to the belief body as a religious couple to a religious body. It has been suggested that in enabling belief marriage we will increase the risk of sham marriage. Even if this were the case, it does not, of course, negate the case for enabling belief marriage on grounds of equality.

**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?**

### **Question 8-9 Eccentric or Frivolous Marriage Ceremonies**

There have been concerns that in permitting belief marriages solemnised by, for example, humanists and other, similarly longstanding and respected organisations, we will in time be required to permit eccentric or frivolous marriage ceremonies that diminish the standing of marriage as an institution.

At present, a religious body that wishes to conduct religious marriages must, as noted above, apply to the Registrar General to request officiant status for one or more of its members. The Registrar General can refuse authorisation if, for example, she believes that the applicant body is not a genuine religious body, or does not deem a particular applicant to be a fit and proper person to perform the officiant role or has concerns regarding the content of the marriage ceremony. Similar controls will apply with regard to belief groups.

**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?**

## **Question 10-12 Independent Celebrants**

Independent wedding celebrants provide wedding ceremonies that are not legally valid, i.e. that are purely ceremonial. They are typically offered on a business basis, for profit or gain. Some have advocated legislative change to enable independent celebrants to offer legally binding wedding ceremonies. If independent celebrants were allowed to offer legally binding marriages on this basis, religious and belief groups, in the interest of equality, would need to be extended the same opportunity to provide marriage ceremonies for profit.

**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?**

## **Questions 13-14 Fees**

At present, religious organisations that solemnise marriages or individual officiants can charge a fee reflective of the legitimate costs they have incurred. The purpose of the fees is to enable legitimate costs to be recovered and to ensure the continued operation of the religious group in question. Religious marriage should not incur a loss for those who provide it but neither can fees be charged to generate a profit. If an officiant or religious group is found to be profiting from religious marriage, the officiant, the group or both could lose their right to solemnise marriages.

**Are you content with the current regulations which prohibits the solemnisation of marriages for profit or gain?**

**Should religious and belief groups publish the fees they charge for solemnising marriages?**

## **Minimum Age for Marriage or Civil Partnership**

The Minister is also seeking views on the current minimum age for marriage or civil partnership of 16. At present, 16 and 17 year olds can marry conditional on parental consent.

### **Question 1 Raising the Minimum Age for Marriage/Civil Partnership**

At present, as noted, people can marry or have a civil partnership in this jurisdiction aged 16 and 17, provided they have parental consent (or equivalent). People aged 18 and over can marry or enter a civil partnership without parental consent. International organisations such as the United Nations, with considerable NGO and stakeholder support, have advocated a global minimum age of 18. They have defined marriage by a person under the age of 18 as child marriage. Local support for an increase in the minimum marriage/civil partnership age has come from a range of stakeholders including the NI Human Rights Commission and the NI Commissioner for Children and Young People. Government could introduce legislation to remove the current provisions that allow 16 and 17 year olds, albeit conditionally, to marry or enter a civil partnership. While a small number of European governments have taken this step, most continue to allow 16 and 17 year olds to marry subject to parental and/or judicial approval.

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

### **Question 2 Introducing Additional Consents**

People in this jurisdiction aged 16 and 17 can marry or enter a civil partnership conditional on parental consent. Most European jurisdictions are the same in that they allow 16 and 17 year olds to marry subject to parental and/or judicial consent. However, only a small number of jurisdictions allow 16 and 17 year olds to marry solely on the

basis of parental consent. Most require parental and judicial consent, or judicial consent alone.

**Should government continue to permit 16 and 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.**

### **Question 3 Recognition of Foreign Marriages/Civil Partnerships Involving under-18s**

If Government were to legislate to make 18 the minimum age for marriage, marriages and civil partnerships involving residents of this jurisdiction could still be contracted outside the jurisdiction.

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

### **Question 4 Criminalisation of Child Marriage**

Legislation to remove the provisions that currently enable 16 and 17 year olds to marry or enter a civil partnership could also include provisions to criminalise child marriage so that those who conduct or facilitate such marriages would be liable to prosecution.

**Should Government make marriage/civil partnership, where one or other party is under the age of eighteen, a criminal offence?**

## **Questions 5-6 Risk of Forced Marriage**

Organisations such as the United Nations Committee responsible for UNCRC justify their call for a new minimum age for marriage of eighteen on the grounds that allowing people under that age to marry is child marriage and carries a risk of forced marriage.

**Do you believe that, by allowing marriage/civil partnership by people under the age of eighteen, there is a risk of forced marriage?**

**What do you see as the principal risks of forced marriage?**

## **Question 7 Gender Impact of Child Marriage**

Because girls are generally more likely than boys to marry, enabling those under eighteen to marry is seen to have a potentially negative effect on girls, depriving them of life chances such as education.

**Do you believe that marriage/civil partnership before the age of eighteen—before adulthood—can deprive young people, especially girls, of opportunities such as education?**

## **Question 8 Marriage Age in Other Jurisdictions**

The Dublin Government has prohibited under-18s from marrying and it is possible similar restrictions will be introduced in England, Wales and Scotland in the near future. Already, a majority of under-18 marriages here are marriages where one or both parties are from outside the jurisdiction. If we retain our current marriage age and others do not, the numbers of under-18s coming here to marry might increase.

**Would you be concerned if this jurisdiction were the only jurisdiction on these islands that permitted marriage for 16 and 17 year olds?**

## **Annex A**

### **Personal Data**

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally), not the content of your response to the consultation.

#### **1. The identity of the data controller and contact details of our Data Protection Officer**

The Department of Finance (DoF) is the data controller. The Data Protection Officer can be contacted as follows:

**Data Protection Officer  
Department of Finance  
Room 20, Dundonald House  
Upper Newtownards Road  
Belfast  
BT4 3SB**

**Email:** [dataprotectionofficer@finance-ni.gov.uk](mailto:dataprotectionofficer@finance-ni.gov.uk)

#### **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### **3. Our legal basis for processing your personal data**

The UK GDPR states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### **4. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation.

### **5. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have the right:

- a) to see what data we have about you
- b) to ask us to stop using your data, but keep it on record
- c) to ask to have all or some of your data deleted or corrected
- d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. **You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.**