



Number 48 of 2012

CIVIL REGISTRATION (AMENDMENT) ACT 2012

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[No. 48.]

Civil Registration (Amendment) Act 2012.

[2012.]

ACTS REFERRED TO

Civil Registration Act 2004 (No. 3)

Civil Registration Acts 2004 to 2008

Taxes Consolidation Act 1997 (No. 39)



Number 48 of 2012

CIVIL REGISTRATION (AMENDMENT) ACT 2012

An Act to amend and extend the Civil Registration Act 2004.

[26th December, 2012]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Principal Act” means the Civil Registration Act 2004.

Amendment of section 45 of Principal Act

2. Section 45 of the Principal Act is amended—
 - (a) by substituting the following for the definition of “body”:
“ ‘body’ means the Executive, a religious body or a secular body;”,
 - (b) in the definition of “religious body” by substituting “worship;” for “worship.”, and
 - (c) by inserting the following definition after the definition of “religious body”:
“ ‘secular body’ shall be construed in accordance with section 45A.”.

Secular body

3. The Principal Act is amended by inserting the following section after section 45:
“Secular body
45A. (1) For the purposes of this Part, a body shall, subject to subsection (2), be a secular body if it is an organised group of people and—
 - (a) it has not fewer than 50 members,
 - (b) its principal objects are secular, ethical and humanist,
 - (c) members of the body meet regularly in relation to their beliefs and in furtherance of the objects referred to in paragraph (b),
 - (d) it does not have any rules regarding marriage or the solemnisation of marriages that contravene the requirements of this Act or any other enactment or rule of law,
 - (e) it is shown to the satisfaction of an tArd-Chláráitheoir to be a body

that has appropriate procedures in writing for selecting, training and accrediting members as fit and proper persons to solemnise marriages,

- (f) it is a body that, on the date of its making of an application under section 54 or 57, has been in existence for a continuous period of not less than 5 years,
 - (g) it is a body—
 - (i) that is entitled to an exemption under section 207 or 208 of the Taxes Consolidation Act 1997, and was so entitled for a continuous period of not less than five years immediately preceding the date of the body’s most recent application under section 54 or 57, and
 - (ii) in respect of which—
 - (I) a number (commonly referred to as a CHY number) stands issued by the Revenue Commissioners for the purposes of that exemption, and
 - (II) that number stood issued for a continuous period of not less than 5 years immediately preceding the date of its most recent application under section 54 or 57,
 - (h) it is a body that does not have the making of profit as one of its principal objects, and
 - (i) it maintains a register of its members.
- (2) None of the following is a secular body for the purposes of this Part:
- (a) a political party, or a body that promotes a political party or candidate;
 - (b) a body that promotes a political cause;
 - (c) an approved body of persons within the meaning of section 235 of the Taxes Consolidation Act 1997;
 - (d) a trade union or a representative body of employers;
 - (e) a chamber of commerce;
 - (f) a body that promotes purposes that are—
 - (i) unlawful,
 - (ii) contrary to public morality,
 - (iii) contrary to public policy,
 - (iv) in support of terrorism or terrorist activities, whether in the State or outside the State, or
 - (v) for the benefit of an organisation membership of which is unlawful.”.

Amendment of section 51 of Principal Act

4. Section 51(3) of the Principal Act is amended, in paragraph (c), by substituting “the religious body or the secular body, as the case may be,” for “the religious body”.

Amendment of section 53 of Principal Act

5. Section 53(4) of the Principal Act is amended, in paragraph (a), by substituting “a religious body or a secular body” for “a religious body”.

Amendment of section 54 of Principal Act

6. Section 54 of the Principal Act is amended—

- (a) by substituting the following subsection for subsection (1):

“(1) A body may apply to an tArd-Chláraitheoir—

- (a) in case the body is the Executive, for the registration of a registrar named in the application who is employed by the Executive and is aged 18 years or more,
- (b) in case the body is a religious body, for the registration of a member named in the application who is aged 18 years or more, and
- (c) in case the body is a secular body, for the registration of a member named in the application who is aged 18 years or more.”,

- (b) by inserting the following subsections after subsection (2):

“(2A) An application to which subsection (1)(c) applies shall be accompanied by a certificate—

- (a) in such form and containing such particulars as may be determined by an tArd-Chláraitheoir, and
- (b) signed by an officer of the secular body concerned stating that the member in relation to whom the application is made has been selected, trained and accredited by the secular body in accordance with the procedures referred to in section 45A(1)(e) and is, in the opinion of the said officer, a fit and proper person to solemnise a marriage.

(2B) A religious body or a secular body that has made an application under subsection (1) shall, in relation to that application, provide an tArd-Chláraitheoir with such additional information as he or she may request within such period as may be specified in the request.”,

and

- (c) in subsection (3) by substituting “a religious body or a secular body” for “a religious body”.

Amendment of section 55 of Principal Act

7. Section 55 of the Principal Act is amended, in subsection (1), by inserting the following paragraph after paragraph (a):

“(aa) the body concerned (not being the Executive) has ceased to be a religious body or a secular body.”.

Amendment of section 56 of Principal Act

8. Section 56(5) of the Principal Act is amended—

- (a) in paragraph (a), by substituting “ceased to be a religious body or a secular body” for “ceased to be a religious body”, and
- (b) in paragraph (c), by substituting the following subparagraphs for subparagraphs (i), (ii) and (iii):
 - “(i) in case the appeal is by the Executive, a religious body or a secular body, by a judge of the Circuit Court assigned to the circuit in which the Executive, the religious body or the secular body has its principal place of business or its principal office,
 - (ii) in case the appeal is by a person (other than the Executive, a religious body or a secular body), by a judge of the Circuit Court assigned to the circuit in which the person ordinarily resides or carries on any profession, business or occupation,
 - (iii) in case the appeal is by a person (other than the Executive, a religious body or a secular body) and the Executive, a religious body or a secular body, by a judge of the Circuit Court assigned to the circuit in which the Executive, the religious body or the secular body has its principal place of business or its principal office.”.

Amendment of section 57 of Principal Act

9. Section 57 of the Principal Act is amended—

- (a) in subsection (1), by substituting “a religious body or a secular body, grant to a member of the religious body or the secular body” for “a religious body, grant to a member of the body”, and
- (b) by inserting the following subsections after subsection (2):
 - “(2A) An application under subsection (1) made by a secular body shall be accompanied by a certificate—
 - (a) in such form and containing such particulars as may be determined by an tArd-Chláraitheoir, and
 - (b) signed by an officer of the secular body concerned stating that the member in relation to whom the application is made has been selected, trained and accredited by the secular body in accordance with the procedures referred to in section 45A(1)(e) and is, in the opinion of the said officer, a fit and proper person to solemnise a marriage.
 - (2B) A religious body or a secular body that has made an application under subsection (1) shall, in relation to that application, provide an tArd-Chláraitheoir with such additional information as he or she may request within such period as may be specified in the request.”.

Short title, collective citation and commencement

- 10.** (1) This Act may be cited as the Civil Registration (Amendment) Act 2012.
- (2) The Civil Registration Acts 2004 to 2008 and this Act may be cited together as the Civil Registration Acts 2004 to 2012.
- (3) This Act shall come into operation on such day or days as the Minister for Social Protection may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.