

## **Governance Framework:**

### **Marriage Solemniser/Officiant Registers**

#### **Background**

OneSpirit Interfaith Foundation (OneSpirit) are the nominating body for the registers of authorised solemnisers able to conduct legal weddings in Scotland and Northern Ireland. In each case this places certain obligations on OneSpirit as the nominating body in regard to the implementation of the provisions inherent in the respective legislation.

OneSpirit's aim is to adopt a consistent and thorough approach to this work which supports OneSpirit ministers while ensuring that OneSpirit is meeting its obligations in line with the expectations of the relevant bodies. In all cases, the legislation clearly outlines the legal requirements of the nominating bodies and therefore OneSpirit is expected to have robust internal processes for the administration and professional governance of the minister body nominated to the Solemniser or Officiant registers in line with OneSpirit's internal Code of Ethics, professional guidelines and processes, and general governance. This includes ongoing monitoring and periodic review in order to validate the list of those ministers who have been authorised to ensure compliance with the requirements set out below.

#### **Scotland**

National Records of Scotland (NRS) is a non-ministerial department of the Scottish Government. It is responsible for civil registration, the census in Scotland, demography and statistics, family history and the national archives and historical records.

OneSpirit is registered as a 'belief' body with the NRS for the purposes of being a nominating body in Scotland.

#### **Northern Ireland**

The General Register Office for Northern Ireland (GRONI) is overseen by the Registrar General for Northern Ireland. OneSpirit is registered as a 'religious' body with the GRONI for the purposes of being a nominating body for the Marriage Officiants' Register in Northern Ireland.

#### **OneSpirit's duties for Scotland and Northern Ireland are to:**

- Maintain a register of its members
- Have robust processes for the selection, training and accreditation of those it nominates
- Ensure those it nominates meet the residency requirements
- Ensure those it nominates are in good standing and that the organisation is satisfied that the person is a fit and proper person to carry out weddings on behalf of the organisation
- Ensure those it nominates meet the age requirement (21 years of age in both Scotland and Northern Ireland)
- Ensure those nominated ministers have not 'for profit or gain been carrying on a business of solemnising marriages'
- Ensure that nominated ministers conduct ceremonies in accordance with local regulations and arrangements, including the appropriate legal wording and vows where applicable
- Have robust procedures in place for dealing with complaints and instances of misconduct and ensure this policy is readily available when needed
- Inform the relevant Registrar's Office in a timely manner of any change in the status of a nominated minister (including any change in residency)

- Monitor the numbers of those registered and will only apply to add further ministers if satisfied that there is sufficient demand for the services offered
- Have robust processes for removing any ministers on the register who do not meet the criteria laid down by the nominating body

## **Ireland**

OneSpirit supports and works in collaboration with OneSpirit Ireland (OSI), who are the nominating body responsible for all matters relating to the nomination of ministers to the Solemnisers' register in the Republic of Ireland. OneSpirit ministers wishing to apply for nomination to the Solemnisers register in Ireland must apply directly to OSI.

The General Register Office of Ireland (GRO) operates under the aegis of the Department of Employment Affairs and Social Protection and has responsibility for the administration of the Civil Registration Service in Ireland.

OSI is registered as a 'religious' body with the GRO for the purposes of being a nominating body for the Marriage Solemnisers Register in Ireland.

As the nominating body in Ireland, OSI hold similar duties to OneSpirit as noted above.

## **Application notes**

### **Scotland:**

To apply to the Scotland register, in the first instance, please contact [admin@osif.org.uk](mailto:admin@osif.org.uk) and we will be pleased to assist you through the nomination process.

Ministers will be granted temporary authorisation under Section 12 of the 1977 Marriage Scotland Act. In practice, this means that (following nomination and authorisation of your first ceremony) the minister sends the details of each wedding – date, location, names of both parties – to NRS and receives confirmation of their authorisation for that particular ceremony. This is usually done by email. This authorisation is also copied to the relevant registration office so they can process the couple's Marriage Notice forms (M10).

NRS holds three distinct registers: mixed sex couples, same sex couples, and civil partnerships. Ministers must be nominated and authorised to each of the registers.

In general, OneSpirit Interfaith Foundation consider that for any minister holding, on average, fewer than 10 legal wedding ceremonies per year, authorisation under Section 12 is an appropriate process.

It is also possible for ministers to be authorised under Section 9 of the 1977 Marriage Scotland Act. This gives authorisation for any ceremony in Scotland and covers a three-year period. NRS issue re-authorisation paperwork every three years which must be supported by OneSpirit Interfaith Foundation.

Nomination can only be through OneSpirit Interfaith Foundation, ministers cannot self-nominate. Nomination will normally, only be considered where the individual has been authorised for at least 2 years under Section 12 of the Act, and holds an average of 10 legal wedding ceremonies per year, and where sufficient justification can be made.

There may be justification for authorisation under Section 9, if a minister is employed in particular chaplaincy roles.

Ministers registered under Section 9 will be required to be part of the emergency contact list and be willing and available, where possible, to step in at short notice to hold ceremony of all types if required.

### **Northern Ireland:**

To apply to the Northern Ireland register, in the first instance please contact [admin@osif.org.uk](mailto:admin@osif.org.uk) and we will be pleased to assist you through the process.

Ministers will be granted temporary authorisation. In practice, this means that following nomination and authorisation of your first ceremony, for any ongoing ceremonies, ministers requiring temporary registration will contact the NI nominator, Wendy McKeown, for each temporary authority required. Wendy will then complete the necessary paperwork and support you through the process of application.

The GRONI will consider applications for full authorisation from ministers who reside in Northern Ireland and who have held temporary authorisation for at least two years, provided they are satisfied there is sufficient demand for their services.

Ministers residing in Northern Ireland are now eligible to be nominated on the permanent register in Ireland. Contact OSI for further details: [secretaryosifmi@gmail.com](mailto:secretaryosifmi@gmail.com)

### **Republic of Ireland:**

To apply for nomination to the Ireland register, in the first instance please apply for your ROSIM membership via: <https://rosim-membership.paperform.co>

Once your ROSIM membership is in place, please then contact OSI at: [secretaryosifmi@gmail.com](mailto:secretaryosifmi@gmail.com) stating that you wish to apply to be on the Register and they will be pleased to assist you through the rest of the application process.

### **England and Wales:**

Currently the law in England and Wales differs to Scotland, Northern Ireland and Ireland, as ministers are unable to conduct the legal aspect of weddings in England and Wales.

However, OneSpirit ministers based in England and Wales, providing they meet the criteria and have completed the required CPD training, can apply to Scotland, Northern Ireland, and Ireland for a one-off temporary authorisation if they are asked to officiate at a wedding in those jurisdictions, and do not have to hold residency. Therefore, it is important to advise OneSpirit as soon as you are aware of a potential wedding in order to meet the necessary criteria.

## **Governance Framework**

### **Fit and Proper Person test**

In assessing whether a minister is a fit and proper person to solemnise marriages, the authorising body will take into consideration whether a person commands the formal support of their nominating body and takes account of any information relevant to the person's competence and personal integrity in relation to character, behaviour and standards of conduct.

This assessment will consider the need to maintain public confidence in the process for solemnisation of marriages, as well as in the celebrants authorised to carry them out. This will include consideration of any offences for which a person has been convicted and which have a bearing on a person's integrity, and the likely impact that knowledge of such a conviction (taking each case on its own merits) may have on public confidence in the institution of marriage.

### **Expectations every minister must meet**

These arrangements will be implemented for all applications from ministers seeking support from OneSpirit or OSI in order to be nominated for inclusion on one of the registers with full or temporary authorisation.

We all have a responsibility to record and document what we do. It is part of our ministry to know our impact. As a OneSpirit minister you MUST comply with the relevant data and regulatory system(s).

**Requirements for all applications for authorisation** (please see expanded guidance notes below for further information):

- Ministers must hold membership of ROSIM (Register of OneSpirit Interfaith Ministers)
- Have current professional indemnity and public liability insurance
- Hold residency in the jurisdiction they are applying for
- Meet the age requirement: over 18 (Ireland) and 21 (Scotland and Northern Ireland)
- Be in regular supervision
- Have completed specified legal wedding training workshop
- Participate in Continuing Professional Development (CPD) relevant to this area of work, at least once in every two years
- Arrangements in place to shadow an experienced minister (on the permanent Register – Scotland and Northern Ireland)
- Complete annual returns
- Websites, social media profiles and other promotional materials are in alignment with the strict requirements set out in the guidance notes below

### **Expanded Guidance**

- **ROSIM membership**

All applicants must be members of ROSIM, our professional register.

Membership provides additional benefits including a personal profile on OneSpirit's website, savings on insurance costs, access to resources, discounts on OneSpirit courses, events and more. ROSIM membership costs £11 per month and members must fulfil all the requirements of membership (insurance, ongoing CPD and supervision).

OSI members will be eligible for a discount of 35% on their ROSIM fees. This discount is intended to offset the membership fees payable to OSI.

The requirement to be a member of our professional register (ROSIM) is necessary to meet the criteria stipulated by the licensing bodies. The legislation requires that all those nominated are members of the nominating body for as long as they remain on the register. This can only be legitimately achieved by membership of ROSIM. Those who are not members of ROSIM are not in any kind of formal relationship with OneSpirit other than as graduates of our training and are therefore not accountable to any of our monitoring processes, policies or procedures, including the handling of complaints. Clearly, this would fall short of the expectations placed upon OneSpirit as a nominating body. Ministers not meeting this requirement will be removed from the relevant registers.

- **Insurance:**

All ROSIM members are required to hold appropriate professional indemnity and public liability insurance and maintain this for as long as they are on the register. This provides mutual protection of both ministers and those they serve. We will ask those applying to be nominated to any of the registers to provide a copy of their insurance at the time of application, and thereafter via the annual return.

This is also a requirement of ROSIM membership, and members are eligible to benefit from savings by using our block insurance scheme with Balens. You are not obliged to use Balens, of course, and can source insurance from any of the other providers of insurance that are also available. While not mandatory, we also advise ministers to explore the benefits of holding some level of legal expenses insurance.

- **Residency:**

We are required by the licensing authorities to ensure that those nominated meet the residency requirement therefore, all applicants applying for nomination to the solemnisers register in Northern Ireland or Scotland must hold residency (this requirement does not apply for 'one-off' requests). It is your responsibility to inform us immediately of any changes that may affect your status.

We will not need proof of residency, but it will be a condition of supporting your nomination that you agree to inform us immediately should your circumstances change.

Age requirement: all applicants must be over 18 (Ireland) and 21 (Scotland and Northern Ireland).

- **Supervision:**

All applicants are required to be in regular supervision and support relevant to this aspect of their work. (This is also a requirement of ROSIM membership).

Supervision is a space for sharing, reflection, relationship modelling and inquiry, offered by a supervisor to the (spiritual) counsellor(s), that both safeguards the client's wellbeing and deepens the counsellor's understanding and practice. Supervision therefore provides a vessel for the relationship within the triad of client, counsellor and supervisor. We understand that the nature and frequency of supervision naturally varies from minister to minister, depending on their circumstances and their professional practice.

- **Legal Wedding Training:**

All ministers, including those who are applying for temporary authorisation, are required to have attended a workshop that provides essential information to ensure all marriages are conducted in accordance with relevant legislation.

Holding legal marriage ceremonies is both a privilege and also a great responsibility. There are subtle complexities and ministers who provide marriage celebrancy services within their professional capacity are obliged to be aware of ongoing changes in legislation. Full details of these workshops and how to book will be provided at the time of application. In order for an application to progress, the specified workshop must be completed. If there is no workshop planned in the timeframe before the planned wedding, please bring this to our attention and we will endeavour to support you to find an alternative way forward.

- **Continuing Professional Development (CPD):**

All ministers on the registers will be required to participate in one refresher workshop at least every two years. The intention is to provide an opportunity so that ministers share their learning and support each other with best practice.

This workshop will count towards the CPD requirement of ROSIM.

- **Shadowing (Northern Ireland and Scotland):**

The purpose of shadowing in this context is to offer practical understanding of the legal process of marriage. We are aware that there are considerations that will need to be addressed in order to ensure that all ministers have the opportunity to experience this form of support.

If you are having difficulty making arrangements to shadow a suitably experienced minister, or in those cases where you need to perform a ceremony before this shadowing has been completed, please bring this to our attention and we will work with you to ensure you have the support you need. It may be possible to offer you support in the form of an experienced minister who can work with you to prepare for your first legal marriage ceremony.

- **Annual return:**

Ministers on these registers will be required to submit an annual return each year. The annual return will be designed to allow you to confirm you are continuing to meet the requirements as outlined above, as well as gathering data about the number of ceremonies and other services offered - this provides us with much needed information about our reach that can be used to demonstrate demand for OneSpirit ministers and strengthen our collective impact.

We are still finalising our arrangements for the annual return and will be in touch with further details as soon as possible.

### **'Carrying on a Marriage Business for Profit or Gain'**

On application you will be asked to confirm that all profiling of your ministry services, including but not limited to websites and social media platforms, is in alignment with the strict requirement that you are not solemnising marriage as a business for profit or gain.

The definition of what constitutes 'for profit' is a thorny one, as the legislation does not specify what patterns of activity or what types and levels of charges would amount to carrying on a business of solemnising marriages for profit or gain. Our guidance is that ministers should emphasise the wider aspects of their ministry, i.e. the other services they offer and the extra spiritual dimension that they bring and the difference this makes to the kind of experience clients will have. Charging an appropriate fee for your service in conducting a wedding ceremony is acceptable where this enables you as a minister or celebrant to enact your religious or philosophical beliefs. However, ministers will be considered to be solemnising marriage for profit or gain when the interests of enacting, celebrating and promoting those beliefs are demonstrably subordinated to commercial interests. This could mean, for instance, reliable evidence that a celebrant was pursuing 'business interests' rather than promoting their philosophical beliefs through service to a couple who shared those beliefs and had requested a marriage ceremony which reflected them. The other consideration to pay attention to is what proportion of your income is generated from solemnising marriages and associated services, as opposed to other activity undertaken to uphold your philosophical beliefs as a OneSpirit minister.

The authorising bodies recognise that there is an element of judgement involved, and that a minister's motivation will be a matter of inference from the available evidence, such as:

- Websites, fliers, content on social media channels, other promotional materials and indications of business activity
- Any denigration of civil marriage, registrars, other religions or belief bodies or their celebrants as a means of advancing business
- The level of income generated for solemnising marriage and associated services, as opposed to other activity undertaken to uphold the body's philosophical beliefs
- The number of marriages solemnised beyond what might be considered reasonable
- Any services ancillary to the marriage ceremony, provided by the celebrant, by any associate of the celebrant, or by any associated supplier of services in which the celebrant has an interest

If your website, social media channels or other promotional materials make reference only to weddings, then the GRO/NRS/GRONI may consider that you are running a wedding celebrant business for profit and revoke your licence. This could have consequences for other OneSpirit ministers on the register and for OneSpirit as the nominating body.

All of the services you offer as an Interfaith Minister should be outlined in keeping with the spectrum of your ministry within which you may choose to provide wedding ceremonies, along with the philosophical and spiritual foundations that underpin your ministry. Of course, there may be instances where you are producing materials such as a web page or promotional leaflet which are specifically targeted at those seeking a minister to solemnise their wedding. In such cases the following guidance we have received from the NRS is useful and we believe is equally applicable to Ireland and Northern Ireland:

*'As long as a marriage leaflet or web page leads with the philosophical beliefs of the organisation or body the celebrant is authorised to conduct marriage under then we do not have issue with a standalone marriage leaflet or web page for celebrants to focus on for those looking for a marriage celebrant.*

*We strongly advise against celebrants stating they are independent as authorised marriage celebrants in Scotland cannot be independent and are always nominated by the religious or belief body they represent'.*