

Same-sex marriages need not be recognised in NI, court rules

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The High Court has ruled that same-sex marriages which are entered into in England do not need to be recognised in Northern Ireland.

A man who got married in London in 2014 had claimed the marriage should have legal force in Northern Ireland, where he and his spouse now live. The judge rejected his case that this was a breach of his rights under the European Convention on Human Rights.

Same-sex marriage has been held not to be a right under the Convention in a recent judgment, nor is it a right in any UN convention. Furthermore, under the Northern Ireland Act 1998 marriage falls under the competence of the NI Executive and Assembly.

Hence same-sex marriage by virtue of the provisions of the Marriage (Same Sex Couples) Act 2013 does not extend to Northern Ireland. That Act specifically provides that a same sex marriage is treated for the purposes of the law of Northern Ireland as a civil partnership.

The judge however recognised the "frustration" of those seeking recognition, particularly as a majority of Assembly members in Stormont have voted in favour of same-sex marriage but this has been vetoed under the power sharing agreement. He concluded: "The judgment which I have to reach is not based on social policy but on the law."

A second case about two same-sex couples with civil partnerships registered into in Northern Ireland (the first two couples ever to do so) who argued their inability to get married violated their entitlements to marriage and a family life was similarly dismissed. One of the women said she was "devastated", adding: "For us, this is a personal matter. We have families and our children are being treated differently because of today's result."

John O'Doherty, the director of The Rainbow Project, referred to the NI Assembly not functioning: "It is, therefore, the responsibility of Theresa May's government to make the necessary amendments to the marriage legislation to make it applicable in Northern Ireland."

Keith Porteous Wood, the executive director of the National Secular Society, commented: "While Mrs May is in favour of extending same-sex marriage to the province, she is unlikely in the extreme to do so, as this would undermine the confidence and supply agreement she reached with the anti same-sex marriage DUP and thereby deprive the government of votes it needs to remain in office."

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