Marriage Provisions of the Civil Registration Act, 2004

Notes for Religious Solemnisers
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Notes for Religious Solemnisers

The marriage provisions of the Civil Registration Act, 2004 became law on 5th November 2007. This legislation brought about major changes in the procedures for solemnising and registering marriages in the Republic. All those solemnising marriages after the above date are asked to carefully note the contents of this booklet and to ensure that couples approaching them to get married contact their local Registrar of Marriages regarding the new requirements.

The main changes in relation to religious marriages are as follows:-

- the requirement that all couples attend in person at the Registrar’s office to give their notification, establish their identity and freedom to marry and sign declarations of no impediment;
- the requirement that all couples must be issued with a Marriage Registration Form (MRF) by a registrar before the marriage can proceed;
- the new Register of Solemnisers; all those solemnising marriages in State on or after 5th November 2007 must be on this Register which is maintained by the General Register Office.
SECTION 1
Marriage Notifications and the Marriage Registration Form (MRF)

1.1 Personal Notification

All couples must now present in person to a Registrar to give their three months’ notice (except in very limited circumstances set out below). As registration districts are being abolished, they may do so at any office in the country, not necessarily in the area where they intend getting married. To ensure an orderly and efficient service an appointments system must operate in all Registration Offices in respect of notifications. All the information made available to couples intending to marry will emphasise that they must, as a first step, contact a Registration Office to make an appointment to give their three month’s notification of intention to marry.

It is intended that in the vast majority of cases, only one visit to the office will be required, by ensuring that they will bring all necessary documents with them on their visit. All couples will be requested to bring with them to the appointment:

- Photo ID (preferably a passport or driving licence)
- If one or both or them is divorced, the original divorce decrees in respect of any previous divorces they may have
- If one of them is widowed, the death certificate of their previous spouse
- Name and address of the person they wish to solemnise the marriage
- Names and dates of birth of their witnesses
- Their PPS Numbers (where either or both of the parties have one)
When a couple approach you with a view to getting married, you should advise them to phone a HSE Registration Office from the list given at the end of this booklet, to make an appointment to give notification.

Additional documentation may be required in some cases, such as where a divorce or civil annulment has been granted outside the State and it must be determined whether it is recognised under Irish law. The Registrar will advise what is required in each case.

When they visit the Registrar’s office, the couple must provide details of their identity, age, marital status, and nationality and also details in relation to their proposed marriage such as the intended date of marriage, whether they require a civil or religious ceremony, the names and dates of birth of their witnesses, and details of the proposed solemniser and venue. They will also both have to complete a declaration of no impediment stating that they are not aware of any lawful impediment to the proposed marriage. **It is important to advise couples that they should have all documentation in order before the visit to the Registrar’s Office in order to avoid the necessity for a second visit.**

### 1.2 Postal Notification

In very limited circumstances (where one or both of the couple is living outside the State or one or both of them is seriously ill) and **only by prior agreement with the Registrar**, it is possible for a couple to post a marriage notification to the Registrar. However, in such cases the couple must still attend the Registrar’s office in person at least 5 days before the marriage to complete their declarations of no impediment and produce the necessary documentation and particulars as set out above, and be issued with their Marriage Registration Form. Alternative arrangements
can be made for couples where one or both of the parties are unable by reason of illness to attend the Registrar’s office.

Postal notifications of intention to marry should not be returned to the General Register Office; they should be returned to the Registrar who has authorised the notification to be made by post. In the first instance, couples should contact a Registration Office from the list at the end of this booklet/webpage to discuss the matter.

It is important to note that even though notice of intention to marry may have been given and acknowledged by the Registrar, a marriage cannot proceed without a Marriage Registration Form having been issued to the couple and examined by the solemniser. The Marriage Registration Form is the civil authorisation for the marriage to proceed. Any marriage solemnised without a Marriage Registration Form will be null and void in civil law and of no legal effect.

1.3 Minimum Age of Marriage:

Since August 1, 1996 (under the Family Law Act, 1995) the minimum age at which a person, ordinarily resident in the State, may contract a marriage valid in Irish law is eighteen years of age. All persons applying to marry in the State must provide a Registrar with evidence of age and identity. Failure to produce such evidence will result in refusal to proceed with the marriage. Persons aged under 18 must obtain the permission of the Circuit Family Court or the High Court to get married.

If the permission of the Circuit Family Court or High Court has not been obtained and either party to the marriage is under eighteen years of age, the Registrar or person solemnising the marriage must not proceed with the marriage ceremony. Any party to such marriage, or any Registrar or
person solemnising a marriage, who is convicted of knowingly breaching the provisions regarding the minimum age for the marriage shall be liable to a fine of up to €2,000 or a prison term not exceeding 6 months or both.

There is no requirement to obtain parental consent for a marriage.

1.4 Exemptions

The existing system of court exemptions from the 3 months’ notice and from the age requirement is retained under the new legislation.

In cases where an exemption from the 3 months’ notice has been given, the couple must still attend the Registrar’s office in person by appointment at least 5 days before the marriage to complete their declarations of no impediment and produce the necessary documentation and particulars as set out above, and be issued with their MRF. Also, where an exemption is granted from the age requirements only, the couple must of course comply fully with the notification requirements set out in Section 1.1.

1.5 Marriage Registration Forms

When the Registrar is satisfied that all required details have been provided and that the couple are free to marry, he or she will issue them with a Marriage Registration Form (MRF) based on the information they have provided. This is a critical document as it is effectively the civil authorisation for the marriage to proceed. It replaces the various registration documents (Form A, Schedule G, Special Licence etc) used under the old Marriage Acts, all of which forms are rendered obsolete by the new legislation.
All couples wishing to marry in Ireland must first be issued with a Marriage Registration Form (MRF) and any marriage that takes place without a MRF having been issued cannot be civilly registered. The MRF should be given to the religious solemniser prior to the ceremony and registrars will be advising couples accordingly.

1.6 Transitional arrangements

The following transitional arrangements apply:-

- Where any marriage has been solemnised before 5th November 2007, the old registration form completed after the ceremony (e.g. Form A, Special Licence, Schedule G) will be sufficient for it to be registered;

- **Where a notification has been given prior to 5th November 2007** in respect of a Roman Catholic marriage, and the marriage is solemnised on or after that date, the existing Form A can still be completed by the couple after the ceremony and used to effect civil registration;

- Where a notification has been received prior to 5th November 2007 in respect of a non-Roman Catholic or a civil marriage, and the marriage is solemnised on or after that date, the registrar will have to issue a Marriage Registration Form (MRF) in advance of the ceremony. Couples in this position should be advised to contact the Registration Office to whom they sent the original notification, which will make the necessary arrangements to issue the MRF to them.
SECTION 2
Solemnisation and Registration

2.1 Register of Solemnisers

Section 53 of the Act provides for the establishment of a Register of Solemnisers. This will consist of civil registrars, nominated by and employees of the HSE, and religious solemnisers, nominated by the religious bodies which they represent. After 5th November 2007, only those on the Register of Solemnisers may solemnise a marriage. The Register of Solemnisers is maintained by the General Register Office and only GRO staff can add, delete or amend registrations. There is provision in the Act for temporary registrations which would take account of situations such as an overseas cleric wishing to perform a marriage of a relative or a cleric who is substituting for another on a short-term basis.

Anyone solemnising a marriage after 5th November 2007 must ensure they are on the Register of Solemnisers. All solemnisers must be 18 years or over and must be nominated by the religious group on whose behalf they will be solemnising marriages. Nominations must be made by the relevant authorities in each religious denomination, not by the solemnisers themselves (see nomination form at Appendix 2 of this booklet). Each nomination must be approved by an tArd-Chlaraithoír, the Registrar-General. Letters confirming registration will be issued to all registered solemnisers as soon as possible after the legislation takes effect, but if you have any queries regarding your registration status you should contact the GRO Marriages Unit, Government Offices, Convent Road, Roscommon, phone 090-6632945/6/7/8/9 or 6632970, website www.groireland.ie
2.2 Checking the Marriage Registration Form

A Marriage Registration Form (MRF) is issued to every couple once they have completed the necessary civil preliminaries with the registrar. The couple are obliged under the Act to give this form to the solemniser before the ceremony (the couple and the solemniser should make their arrangements regarding how and when this is done). The solemniser must check the MRF to ensure that it is correct as far as he or she is aware – this would particularly apply to the details regarding the solemniser and the place where the marriage is taking. (There will obviously be details on the MRF relating to the couple which the solemniser may not be familiar with).

2.3 Essential Prerequisites for Solemnisation

A registered solemniser may only solemnise a marriage if

- both parties to the marriage are present;
- there are two persons professing to be 18 years or over who are present as witnesses (if there is a doubt about the age of the witnesses, evidence of age may be sought);
- the place where the solemnisation takes place is open to the public and the solemniser is satisfied that the parties to the marriage understand the nature of the marriage ceremony and the required declarations (See 2.4 below).

2.4 Declarations to be Made by the Parties

Section 51(4) of the Act requires that, from a civil point of view, the form of a marriage ceremony contain two declarations:-
(i) a declaration by each of the parties that he or she does not know of any impediment to the marriage and
(ii) a declaration by each of the parties that they accept each other as husband and wife

Both these declarations must be made by the couple in the presence of each other, the registered solemniser, and the witnesses. The second declaration (accepting each other as husband and wife) must be part of the actual marriage ceremony and indeed the couple are taken to be married to each other when this declaration is made. As regards the declaration of no impediment, it is important to remember that this relates to civil impediments only. The Act permits this declaration to be made up to 2 days before the declaration of acceptance of each other as husband and wife. Therefore, the declaration of no impediment can be made separately, such as at a rehearsal or immediately before the start of the ceremony, as long as it is made in the presence of the solemniser and the witnesses and not more than 2 days before the ceremony itself. See Appendix 4 for details of the suggested text of the declaration.

The civil impediments to marriage are listed in Section 2(2) of the Act and in Appendix 3 of this leaflet.

2.5 Interpreters

Section 51 (6) of the Act requires that the services of an interpreter be used where any of the parties or the witnesses or the solemniser to a marriage ‘does not have a sufficient knowledge of the language of the ceremony to understand the ceremony and that language’. This interpreter must arrange to translate the words of the ceremony into a language known to the person concerned. He or she must not be either a party or a witness to the marriage.
An interpreter at a marriage ceremony is required to sign two statements in the presence of the solemniser:-

1) before the ceremony, to the effect that he or she understands and is able to converse in any language in respect of which he or she is acting as interpreter at the ceremony, and
2) immediately after the ceremony, to the effect that he or she has faithfully acted as interpreter at the ceremony. This second statement MUST be signed in the language used by the solemniser at the ceremony.

NOTE: if an interpreter is required, it is the responsibility of the couple to arrange for this.

2.6 Reissue/Amendment of MRF’s

A Marriage Registration Form can be reissued before the marriage where the original has been lost or damaged, or some detail on it has to be changed e.g. a change in the proposed venue or solemniser. The original MRF, if available, should be returned to the Registrar.

In addition, Section 50(5) of the Act allows for the reissue of MRF’s after the marriage ceremony, where the original has been ‘lost, destroyed or damaged’. This would be the equivalent of what was called a ‘reconstituted marriage’ under the previous marriage registration system. In such cases, as many as possible of the signatories of the original MRF (solemniser, couple and witnesses) should sign the new MRF and the matter must be referred to the GRO for its authorisation as to whether the registration can proceed.
If you become aware before an intended marriage of any necessary change to a MRF, you should advise the couple to contact the Registrar to arrange for the reissue of the MRF at the earliest possible stage before the ceremony.

2.7 Last-minute amendments to the MRF

While couples will be requested to ensure that any necessary changes to the MRF are notified to the Registrar in advance of the ceremony so as to allow for it to be amended and reissued, situations will arise (e.g. illness of the solemniser) where changes will have to be made to the MRF at the ceremony. When this arises, the necessary amendment/s should be clearly made on the MRF by the solemniser and initialled by the solemniser, both parties and both witnesses. There is a section at the end of the MRF which should also be completed and signed, explaining the nature of and reason for the changes.

2.8 Venues for Religious Marriages

Section 52(1) requires that a marriage may be solemnised only at a place and time chosen by the parties to the marriage with the agreement of the registered solemniser concerned. The venue for a religious marriage is not required to be registered with or approved by the civil authorities, and the old system of registered buildings approved for the solemnisation of marriages ceased to operate on 5th November 2007. In essence, the place of marriage is a matter to be determined between the couple and the solemniser and it is of course open to all religious denomination to retain and enforce their own requirements regarding the venues for marriages taking place under their rites and ceremonies.

In addition, Section 52(1) of the Act requires that the venues for all
marriages be ‘open to the public’. Churches and other religious buildings would generally meet this requirement. However, private residences (for example) clearly would not.

An exception can be made to this rule where one or both of the couple are seriously ill and a doctor has certified that they are unable by reason of their illness to attend at the Registrar’s office or another ‘public’ venue. In such cases, the local Superintendent Registrar (or the Registrar-General) may grant approval for the marriage to take place at a venue which is not ‘open to the public’ e.g. a private house or a hospice. Should a couple approach you in such a situation, you should seek advice from your local Superintendent Registrar’s office or the Marriages Unit of the General Register Office.

2.9 Civil Registration of the Marriage

Immediately after the ceremony, the MRF must be signed by the couple, the two witnesses and the registered solemniser. The MRF should be returned to a registrar (not necessarily the registrar who issued the MRF or a registrar in the area where the marriage took place) within a month of the ceremony so that the marriage can be civilly registered. It is the responsibility of the couple, not the solemniser, to ensure that the MRF is returned to the registrar.
SECTION 3
Other Issues

3.1 Objections

Under Section 58 of the Civil Registration Act, 2004, 'a person may at any time before the solemnisation of a marriage lodge an objection in writing with any registrar and the objection shall state the reasons for the objection'. This occurred under the old legislation in the form of 'caveats'. Should you become aware of or be approached about an objection to an intended marriage, you should advise the objector to contact a Registration Office. If the objection is lodged with a different office to where the notification was created, it will be referred from there to the Superintendent Registrar of the area where the notification was given, who must refer it to a registrar within his or her area to be dealt with (Section 58(2)).

Objections involving an alleged minor error or misdescription in the MRF can be resolved locally by the registrar, but objections alleging an impediment to an intended marriage must be referred to the Registrar-General for a decision.

Where an objection arises in relation to any marriage which indicates that a possible impediment may exist, the intended solemniser (if known) will be notified by the Registrar of the fact that an objection is being investigated and will be directed not to solemnise the marriage until the investigation is complete. The couple will be requested to return the MRF if one has already been issued. When the investigation is complete, the solemniser will be notified as to whether or not the marriage may proceed. If, on the basis of his investigations, the Registrar-General decides that there is an impediment to the intended marriage, the
Registrar is required by the Act to ‘take all reasonable steps to ensure that the solemnisation does not proceed’. If, notwithstanding this, the marriage concerned is solemnised, it cannot be civilly registered.

3.2 Changes to Register of Solemnisers

Section 53(5) of the Act requires all bodies on whose application a solemniser has been registered, to notify the Registrar-General of the death, resignation or retirement of the registered solemniser, or of any change in the information provided at the time of the original application. The General Register Office will then make whatever changes are necessary to the Register of Solemnisers.

3.3 Refusals and Cancellations of Registrations of Solemnisers

Under Section 53(4) of the Act, the Registrar-General shall refuse to register a solemniser if

a) the nominating body is not a religious body;
b) the form of marriage ceremony used by the body concerned does not include both of the declarations required in Section 51(4) of the Act (see Paragraph 2.4 of this booklet);
c) the form of marriage used by the body concerned has not been approved by the Registrar-General; or
d) the person nominated to be a solemniser is not a fit and proper person to solemnise a marriage.

Under Section 55 of the Act, the Registrar-General may cancel the registration of a registered solemniser if
a) the person or the nominating body concerned has requested him to cancel it;
b) the form of marriage ceremony used by the body concerned no longer includes both of the declarations required in Section 51(4) of the Act (see Paragraph 2.4 of this booklet); or
c) the person
   i) has, while a registered solemniser, been convicted of an offence under the Civil Registration Act;
   ii) has carried on a business of solemnising marriages, for the purpose of profit or gain;
   iii) is not a fit and proper person to solemnise marriages; or
   iv) for any other reason, should not continue to be registered.

If the reason for cancellation comes within the categories mentioned in c) above, the Registrar-General must give the solemniser and nominating body at least 21 days’ notice of his intention to cancel the registration, specifying the grounds for the intended cancellation.

Where the Registrar-General refuses to register a person nominated to be a solemniser or cancels an existing registration, he must notify the person and the nominating body of the refusal and the reasons for it, and the person or the nominating body or both of them may appeal to the Minister for Health and Children within 28 days of receiving the notice of refusal.

NOTE:- It is essential that religious bodies have their own internal rules for requesting cancellation of registration.

3.4 Appeals

Under Section 56 of the Act, where a person or nominating body appeals to the Minister against a refusal or cancellation of a registration of a
solemniser, the Minister will receive and consider whatever submissions the parties to the appeal may make to him or her, and he or she may determine whether these will be orally or in writing. After considering such submissions, the Minister will notify the person and body concerned of his or her decision, and give the Registrar-General such directions as he or she considers appropriate.

Where the Minister dismisses an appeal under this Section solely on the grounds that the nominating body is not or has ceased to be a religious body, that body may appeal against that dismissal to the Circuit Court. If the Minister dismisses an appeal on any other grounds, a party to the appeal may appeal against the dismissal on a point of law, also to the Circuit Court. The Circuit Court's jurisdiction on the appeal must be exercised by a judge of the circuit in which the person making the appeal ordinarily resides or carries on a business, profession or occupation, or (where the appeal is by the nominating body or the body and the person jointly) by a judge of the circuit where that body has its principal place of business or principal office.
APPENDIX 1

Checklist for Religious Solemnisers

Marriage Registration Form Received ___________ Checked ______

Declaration of No Impediment Made ______________________________ *

Declaration of Acceptance as Husband and Wife Made ____________

MRF signed by Solemniser _______ Couple _______ Witnesses ______

If Interpreter Needed, 2 Interpreter Statements Signed ______________

MRF returned to couple for forwarding to Registrar ________________

* Suggested Wording of verbal declaration of no impediment is as follows: -

I hereby state that I have read and I understand the list of civil impediments to marriage and I solemnly declare that I believe there is no impediment of kindred or affinity or other lawful hindrance to my proposed marriage with
APPENDIX 2

Civil Registration Act, 2004 – Section 54
Application for Registration on the Register of Solemnisers

SECTION A
Name of Nominating Body ________________________________
Address of Nominating Body ________________________________

Name and address of Contact Person __________________________

SECTION B
Please enter here the requested details in relation to the proposed solemniser

Title (Fr, Revd, Pastor, Mr, Ms etc) ________________________________
Surname ________________________________
Forenames ________________________________
(full names should be given, no initials)

Address ________________________________
Date of Birth ________________________________
Phone number ________________________________
Position within nominating body ________________________________
Signed ________________________________ Date ________________________________
(on behalf of Nominating Body)
APPENDIX 3

IMPEDEMENTS TO MARRIAGE

Capacity to Marry

A marriage solemnised between persons either of whom is under the age of 18 years is not valid unless an exemption from this provision is granted by the Circuit Family Court or High Court.

Monogamy

Marriage is a union between one man and one woman. If at the time of the marriage ceremony either party is already validly married to a third party, the marriage is void.

Mental Illness/Handicap

One or both parties is incapable by reason of mental handicap or illness of understanding the nature and effect of the marriage contract (a medical report is required to establish the facts in such cases);

Sex

One party to a marriage must be male and the other female.
Prohibited Degrees of Kindred and Affinity

A man may not marry his

1. Grandmother
3. Wife’s grandmother
5. Mother’s sister
7. Mother’s brother’s wife
9. Wife’s mother’s sister
11. Stepmother
13. Daughter
15. Son’s wife
17. Son’s daughter
19. Son’s son’s wife
21. Wife’s son’s wife
23. Brother’s daughter
25. Brother’s son’s wife
27. Wife’s brother’s daughter

2. Grandfather’s wife
4. Father’s sister
6. Father’s brother’s wife
8. Wife’s father’s sister
10. Mother
12. Wife’s mother
14. Wife’s daughter
16. Sister
18. Daughter’s daughter
20. Daughter’s son’s wife
22. Wife’s daughter’s daughter
24. Sister’s daughter
26. Sister’s son’s wife
28. Wife’s sister’s daughter

A woman may not marry her

1. Grandfather
3. Husband’s grandfather
5. Mother’s brother
7. Mother’s sister’s husband
9. Husband’s mother’s brother
11. Stepfather
13. Son
15. Daughter’s husband
17. Son’s son
19. Son’s daughter’s husband
21. Husband’s son’s son
23. Brother’s sons
25. Brother’s daughter’s husband
27. Husband’s brother’s son

2. Grandmother’s husband
4. Father’s brother
6. Father’s sister’s husband
8. Husband’s father’s brother
10. Father
12. Husband’s father
14. Husband’s son
16. Brother
18. Daughter’s son
20. Daughter’s daughter’s husband
22. Husband’s daughter’s son
24. Sister’s son
26. Sister’s daughter’s husband
28. Husband’s sister’s son.
APPENDIX 4

Suggested text of Declaration
under Section 51(4)(a) of the Civil Registration Act 2004

I hereby state that I have read and I understand the list of civil impediments to marriage and I solemnly declare that I believe there is no impediment of kindred or affinity or other lawful hindrance to my proposed marriage with

_____________________(Insert name of Other Party)

APPENDIX 5

Contacts

General Note: If you require further information please contact your local Health Service Executive Registration office, Civil Registrar’s Office or The General Register Office, Government Buildings, Convent Road, Roscommon, Tel: LoCall 1890 252076 or +353 (0) 9066-32900.
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<td>059 9136542</td>
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<td>Tuesday - Friday Monday</td>
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