

Appeal Under Section 56 of the Civil Registration Act, 2004

Appellant: John Hamill, Reformed Congregationalist Church of the Flying Spaghetti Monster (RCCoFSM)

Respondent: An tArd Chláraitheoir

Background

An application was received under S.54 of the Civil Registration Act 2004 (the Act) on 5th March 2019. The application was to register a solemniser for a new religious body. The application included the body's constitution, certificate of nominating person, certification of form of marriage and credentials for the nominator and nominee.

In his covering letter, Mr. Hamill made reference to a previous application made on 18th May 2017 which was refused. This decision was upheld on appeal on the basis that Mr. Hamill was a member of the National Executive Committee of Atheist Ireland, and that this was incompatible with a religious belief. He stated that he had resigned from his position with Atheist Ireland and was submitting a new application "as a member of an entirely different religious body".

Decision

The decision was made on 25th April 2019 to refuse the application on the basis that an tArd-Chláraitheoir did not consider that the relevant body is a religious body, as provided for in S.53(4)(a) of the Act.

Reasons for Decision

The evidence submitted in support of the application was not considered to meet the commonly understood criteria for designation as a religious body. An tArd-Chláraitheoir must also have concern for, and consideration of, the impact, if any, his/her decisions and decision of other persons with such a capacity under the Acts, have to ensure the integrity of the civil registration system and associated processes. It is the view of an tArd-Chláraitheoir that the provision set out in section 8 of the Act, and in particular, sub-section (1) (f), (h) and (i) and subsections (3), (4) and (5) impose a duty to ensure that the registration process is operated effectively. Part 6 of the Act (which relates to Marriage) sets our extensive provisions and processes that are designed to protect and promote the integrity of marriage and the place it holds legally, socially and religiously in the State.

In reaching my decision, I have also taken account of previous decisions in respect of this matter and decision by other statutory bodies in Ireland where they relate to the specific body and person who have made this application. In particular, I have referenced the decision of the Workplace Relations Commission with respect to a complaint brought by Mr Hamill, a Pastafarian, which found that the body referenced did not fall within the definition of religion or religious belief.

Submission by an tArd-Chláraitheoir

Section 45 defines a "religious body" to mean "an organized group of people members of which meet regularly for common religious practice". The Civil Registration Service has taken this to mean that bodies that promote a specific system of beliefs and practices rather than a "form of belief", in one of the commonly understood and recognised World religions and where the religious belief and practice are positive (this would include Christian, Jewish, Islam, Buddhist, Hindu, pagan and druidism) but

excludes religions of a negative nature (for instance Satanism, Witchcraft) and what could be reasonably considered a parody or satirical in nature (Jedi Warriors, Pastafarian).

Based on this understanding, I made my decision that adherence to Pastafarianism or membership of RCCoFSM does not constitute such belief as commonly understood as required of religious practice.

Mr. Hamill was previously a member of Atheist Ireland and has resigned from his post in this organisation. This was one of the reasons behind previous decisions on applications made by him and his organisation, and in my view it is wholly contradictory to be both an adherent to a religious belief whilst being an atheist.

Article 2F of the RCCoFSM constitution makes reference to an adjudication by the Workplace Relations Commission (WRC). This adjudication has been adopted by RCCoFSM as a canonical text and is deemed by that body to be a divine revelation. I consider that this particular article is indicative of parody and its wording cannot be taken in all seriousness. The adjudication (ADJ000011817) was made following a complaint by Mr. Hamill against Dublin City Council. During the adjudication hearing, Mr. Hamill gave evidence "that his church was not interested in solemnising marriages so they were not listed as part of the civil registration service". Such a view is inconsistent with making an application for the registration of a member of RCCoFSM and consequently I do not consider that the application is a genuine one.

As indicated in our decision, account has been taken of a WRC decision on a complaint taken against the Road Safety Authority. This decision, DEC-S2016-018, found that "*the complaint did not come within the definition of religion and/or religious belief...*". I am of the view that it is entirely reasonable to take into consideration findings of other statutory bodies which are of relevance to the current application, and that this Office should remain consistent with previous approaches taken in relation to Pastafarianism.

Given the foregoing, I remain of the view that RCCoFSM is not a religious body on the basis that membership of this church does not constitute a genuinely held belief nor that its belief system is anything other than satirical in nature.



TJ Fleming
An tArd-Chláraitheoir
12th August 2019