



Marriage (Same Sex Couples) Act 2013

CHAPTER 30

MARRIAGE (SAME SEX COUPLES) ACT 2013

PART 1

MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

Extension of marriage

- 1 Extension of marriage to same sex couples

Religious protection

- 2 Marriage according to religious rites: no compulsion to solemnize etc

Part 3 of the Marriage Act 1949

- 3 Marriage for which no opt-in necessary
- 4 Opt-in: marriage in places of worship
- 5 Opt-in: other religious ceremonies

Part 5 of the Marriage Act 1949

- 6 Armed forces chapels

The Marriage (Registrar General's Licence) Act 1970

- 7 Opt-in: “deathbed marriages”

The Church in Wales

- 8 Power to allow for marriage of same sex couples in Church in Wales

Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013. (See end of Document for details)

Other provisions relating to marriages of same sex couples

- 9 Conversion of civil partnership into marriage
- 10 Extra-territorial matters

Effect of extension of marriage

- 11 Effect of extension of marriage

PART 2

OTHER PROVISIONS RELATING TO MARRIAGE AND CIVIL PARTNERSHIP

- 12 Change of gender of married persons or civil partners
- 13 Marriage overseas
- 14 Marriage according to the usages of belief organisations
- 15 Review of civil partnership
- 16 Survivor benefits under occupational pension schemes

PART 3

FINAL PROVISIONS

- 17 Transitional and consequential provision
- 18 Orders and regulations
- 19 Interpretation
- 20 Extent
- 21 Short title and commencement

SCHEDULES

SCHEDULE 1 — Registration of buildings etc

Introduction

- 1 Part 3 of the Marriage Act 1949 is amended in...

Registration of buildings

- 2 After section 43 insert— Registration of buildings: marriage of same...

Shared buildings

- 3 After section 44 insert— Registration of shared buildings for marriage...

SCHEDULE 2 — Extra-territorial matters

PART 1 — ENGLISH AND WELSH MARRIAGES OF SAME SEX COUPLES:
TREATMENT IN SCOTLAND AND NORTHERN IRELAND

Scotland

- 1 (1) The Secretary of State may, by order, provide that,...

Northern Ireland

- 2 (1) Under the law of Northern Ireland, a marriage of...

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Contrary provision

- 3 (1) The treatment of a marriage as a civil partnership...
PART 2 — MARRIAGE TREATED AS CIVIL PARTNERSHIP: DISSOLUTION,
ANNULMENT OR SEPARATION

Order made in relation to civil partnership: validity in relation to marriage

- 4 (1) This paragraph applies in a case where a marriage...
PART 3 — ENGLAND AND WALES: “OVERSEAS RELATIONSHIPS” IN CIVIL
PARTNERSHIP ACT 2004

Marriage not an “overseas relationship” in England and Wales

- 5 (1) The Civil Partnership Act 2004 is amended as follows....

SCHEDULE 3 — Interpretation of legislation
PART 1 — EXISTING ENGLAND AND WALES LEGISLATION

Interpretation of existing England and Wales legislation

- 1 (1) In existing England and Wales legislation—

Interpretation of legislation about couples living together as if married

- 2 (1) In existing England and Wales legislation—
3 (1) This paragraph applies to existing England and Wales legislation...

General

- 4 This Part of this Schedule does not limit section 11(1)...
PART 2 — NEW ENGLAND AND WALES LEGISLATION
5 (1) This paragraph applies to provision made by—

SCHEDULE 4 — Effect of extension of marriage: further provision
PART 1 — PRIVATE LEGAL INSTRUMENTS

Existing instruments

- 1 (1) Section 11 does not alter the effect of any...
PART 2 — PRESUMPTION ON BIRTH OF CHILD TO MARRIED WOMAN

Common law presumption

- 2 (1) Section 11 does not extend the common law presumption...
PART 3 — DIVORCE AND ANNULMENT OF MARRIAGE

Divorce

- 3 (1) Section 1 of the Matrimonial Causes Act 1973 (divorce...)

Annulment of marriage

- 4 (1) Section 12 of the Matrimonial Causes Act 1973 (grounds...
PART 4 — MATRIMONIAL PROCEEDINGS

Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013. (See end of Document for details)

Amendment of the Domicile and Matrimonial Proceedings Act 1973

- 5 The Domicile and Matrimonial Proceedings Act 1973 is amended as...
 6 (1) Section 5 (jurisdiction of High Court and county courts)...
 7 Section 6 (miscellaneous amendments, transitional provision and
 savings), subsection (3):...
 8 Before Schedule 1 insert— SCHEDULE A1 Jurisdiction in relation to...
 9 Schedule 1 (staying of matrimonial proceedings in England and
 Wales:...

Transitory provision until commencement of Presumption of Death Act 2013

- 10 (1) This paragraph applies if section 1 of the Presumption...
 PART 5 — STATE PENSIONS

Category B retirement pension for married person

- 11 (1) Section 48A of the 1992 Act (Category B retirement...

Category B retirement pension for widows and widowers

- 12 (1) Section 48B of the 1992 Act (Category B retirement...

Category B retirement pension for widowers

- 13 (1) Section 51 of the 1992 Act (Category B retirement...

Graduated retirement benefit

- 14 (1) Section 62 of the Social Security Contributions and Benefits...

Adult dependency increases

- 15 (1) In a case where a full gender recognition certificate...

Converted civil partnerships

- 16 (1) This paragraph applies where a civil partnership is converted...
 PART 6 — OCCUPATIONAL PENSIONS AND SURVIVOR BENEFITS

Benefits dependent on marriage of same sex couples

- 17 (1) Paragraph 18 of Schedule 9 to the Equality Act...

Pension Schemes Act 1993

- 18 The Pension Schemes Act 1993 is amended in accordance with...
 19 In section 8(2) (meaning of certain terms), in the definition...
 20 (1) Section 17 (minimum pensions for widows and widowers) is...
 21 (1) Section 24D (survivors' benefits) is amended as follows.
 22 (1) Section 37 (alteration of rules of contracted-out schemes) is...
 23 Before section 39 insert— Regulations about relevant gender change
 cases...
 24 In section 47 (further provisions about effect of entitlement to...
 25 In section 84 (basis of revaluation), in subsection (5), after...
 26 In Schedule 3 (methods of revaluing accrued pension benefits), in...
 PART 7 — PROVISIONS WHICH LIMIT EQUIVALENCE OF ALL MARRIAGES ETC

Contrary provision

27 (1) The relevant enactments are subject to—

SCHEDULE 5 — Change of gender of married persons or civil partners
PART 1 — APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

Introduction

1 The Gender Recognition Act 2004 is amended in accordance with...

Evidence

2 Section 3 (evidence): after subsection (6) insert—

Successful applications

3 Section 4 (successful applications): for subsections (2) and (3) substitute
—...

Issue of full certificate after interim certificate: applicant married

4 After section 4 insert— Issue of full certificate after interim...

Applications by both civil partners

5 After section 5A insert— Other provision about applications and certificates...

Errors in certificates

6 Section 6 (errors in certificates)— (a) for the title substitute...

Applications: supplementary

7 Section 7 (applications: supplementary), subsection (1): after “1(1),”
insert “...

Appeals etc

8 Section 8 (appeals etc)— (a) subsection (1): after “1(1),” insert...

Registration

9 (1) Section 10 (registration): after subsection (1) insert—

Change in gender of party to marriage

10 After section 11 insert— Change in gender of party to...

Change in gender of civil partners

11 After section 11A (inserted by paragraph 10) insert— Change in...

Foreign gender change and marriage

12 Section 21 (foreign gender change and marriage)—

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Prohibition on disclosure of information

- 13 Section 22 (prohibition on disclosure of information), subsection (2)(a):
after...

Interpretation

- 14 Section 25 (interpretation)— (a) after the definition of “Gender Recognition...
PART 2 — ALTERNATIVE GROUNDS FOR GRANTING APPLICATIONS FOR
GENDER RECOGNITION CERTIFICATES

Introduction

- 15 The Gender Recognition Act 2004 is amended in accordance with...

Alternative grounds for granting applications

- 16 Section 2 (determination of applications): after subsection (3) insert—
17 After section 3 insert— Alternative grounds for granting applications
(1) This section applies to an application under section 1(1)(a)...

Evidence for granting applications on alternative grounds

- 18 Section 3 (evidence): after subsection (8) insert—
19 After section 3A (inserted by paragraph 17) insert— Evidence for...

Membership of Panels determining applications on alternative grounds

- 20 Schedule 1 (Gender Recognition Panels), paragraph 4: after sub-
paragraph (2)...

SCHEDULE 6 — Marriage overseas
PART 1 — CONSULAR MARRIAGE UNDER UK LAW

Provision for consular marriage

- 1 (1) Her Majesty may by Order in Council make provision...

Refusal by registration officer

- 2 (1) A registration officer is not required to allow two...

No religious service

- 3 No religious service is to be used at the solemnization...

Treatment of marriage as taking place in part of UK for certain purposes

- 4 An Order in Council under this Part of this Schedule...

Validity of consular marriage

- 5 A consular marriage is valid in law as if the...

Interpretation

- 6 In this Part of this Schedule— “consular marriage” means a...

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PART 2 — MARRIAGE UNDER FOREIGN LAW: CERTIFICATES OF NO IMPEDIMENT

Provision for certificates of no impediment

- 7 (1) Her Majesty may by Order in Council make provision...

PART 3 — MARRIAGE OF FORCES PERSONNEL UNDER UK LAW

Provision for marriage of armed forces personnel

- 8 (1) Her Majesty may by Order in Council make provision...

Religious services at forces marriages of same sex couples

- 9 (1) An Order in Council under this Part of this...

Treatment of marriage as taking place in part of UK for certain purposes

- 10 An Order in Council under this Part of this Schedule...

Validity of forces marriage

- 11 A forces marriage is valid in law as if the...

Interpretation

- 12 (1) In this Part of this Schedule—

PART 4 — GENERAL PROVISIONS

Parliamentary scrutiny

- 13 (1) No recommendation is to be made to Her Majesty...

Particular kinds of provision

- 14 (1) An Order in Council under this Schedule may—

Interpretation

- 15 In this Schedule— “prescribed” means prescribed by an Order in...

SCHEDULE 7 — Transitional and consequential provision etc

PART 1 — TRANSITIONAL AND TRANSITORY PROVISION

Approval of premises for civil weddings

- 1 (1) The approved premises regulations, and any related guidance, that...

PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS

Marriage Act 1949 (c. 76)

- 2 The Marriage Act 1949 is amended as follows.

- 3 Section 3 (marriages of persons under 18), subsection (1): after...

- 4 (1) Section 25 (void marriages) is amended as follows.

- 5 Section 27A (additional information required in certain cases), subsection (1):...

- 6 After section 27C insert— Additional information required for certain marriages...

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- 7 (1) Section 28A (power to require evidence) is amended in...
- 8 (1) Section 41 (registration of buildings) is amended in accordance...
- 9 (1) Section 42 (cancellation of registration and substitution of another...
- 10 (1) Section 43 (appointment of authorised persons) is amended in...
- 11 Section 44 (solemnization of marriage in registered building),
subsection (2)(b):...
- 12 Section 45A (solemnization of certain marriages), subsection (1): after
“section...
- 13 (1) Section 46 (register office marriage followed by religious
ceremony)...
- 14 Section 48 (proof of certain matters not necessary to validity...
- 15 After section 49 insert— Void marriages: additional provision about
same...
- 16 Section 53, paragraph (c): for the words from “religion” to...
- 17 Section 69 (licensing of chapels for marriages according to rites...
- 18 Section 70 (registration of chapels for marriages otherwise than
according...
- 19 (1) Section 75 (offences relating to solemnization of marriages) is...
- 20 (1) Section 78 (interpretation) is amended in accordance with this...
- 21 (1) Schedule 4 (provisions of Act which are excluded or...

Marriage (Registrar General's Licence) Act 1970

- 22 The Marriage (Registrar General's Licence) Act 1970 is amended as...
- 23 Section 1 (marriages which may be solemnized by Registrar General's...
- 24 Section 2 (notice of marriage), after subsection (2) insert—
- 25 After section 13 insert— Void marriages: additional provision about
same...

Matrimonial Causes Act 1973 (c. 18)

- 26 The Matrimonial Causes Act 1973 is amended as follows.
- 27 Section 11 (grounds on which a marriage is void): omit...

Public Order Act 1986 (c. 64)

- 28 (1) Section 29JA of the Public Order Act 1986 (protection...

Social Security Contributions and Benefits Act 1992 (c. 4)

- 29 The Social Security Contributions and Benefits Act 1992 is amended...
- 30 Section 48 (use of former spouse's or civil partner's contributions):...

Pension Schemes Act 1993 (c. 48)

- 31 The Pension Schemes Act 1993 is amended as follows.
- 32 Section 99 (trustees' duties after exercise of option), subsection (3)(b):...

Civil Partnership Act 2004 (c. 33)

- 33 The Civil Partnership Act 2004 is amended as follows.
- 34 Section 1 (civil partnership), subsection (3)— (a) after “only” insert...
- 35 Section 4 (parental etc consent where proposed civil partner under...
- 36 Section 210 (registration at British consulates etc), subsection (6),
paragraph...

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Human Fertilisation and Embryology Act 2008 (c. 22)

- 37 The Human Fertilisation and Embryology Act 2008 is amended as...
- 38 (1) Section 35 (woman married at time of treatment) is...
- 39 Section 40 (embryo transferred after death of husband etc who...
- 40 (1) Section 42 (woman in civil partnership at time of...
- 41 (1) Section 46 (embryo transferred after death of civil partner...

Equality Act 2010 (c. 15)

- 42 The Equality Act 2010 is amended as follows.
- 43 (1) Section 23 (comparison by reference to circumstances) is amended...
- 44 Schedule 3 (services and public functions: exceptions): for the title...
- 45 Schedule 9 (work: exceptions), Part 1 (occupational requirements), paragraph 2...

Changes to legislation:

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