



# Marriage (Same Sex Couples) Act 2013

## 2013 CHAPTER 30

### PART 1

#### MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

##### *Other provisions relating to marriages of same sex couples*

#### **9 Conversion of civil partnership into marriage**

- (1) The parties to an England and Wales civil partnership may convert their civil partnership into a marriage under a procedure established by regulations made by the Secretary of State.
- (2) The parties to a civil partnership within subsection (3) may convert their civil partnership into a marriage under a procedure established by regulations made by the Secretary of State.

[<sup>F1</sup>(2A) Subsections (1) and (2) apply only where both parties to the civil partnership are of the same sex.]

- (3) A civil partnership is within this subsection if—
  - (a) it was formed outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 (registration at British consulates etc or by armed forces personnel), and
  - (b) the part of the United Kingdom that was relevant for the purposes of section 210(2)(b) or (as the case may be) section 211(2)(b) of that Act was England and Wales.
- (4) Regulations under this section may in particular make—
  - (a) provision about the making by the parties to a civil partnership of an application to convert their civil partnership into a marriage;
  - (b) provision about the information to be provided in support of an application to convert;

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- (c) provision about the making of declarations in support of an application to convert;
  - (d) provision for persons who have made an application to convert to appear before any person or attend at any place;
  - (e) provision conferring functions in connection with applications to convert on relevant officials, relevant armed forces personnel, the Secretary of State, or any other persons;
  - (f) provision for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—
    - (i) the making of an application to convert;
    - (ii) the exercise of any function conferred by virtue of paragraph (e).
- (5) Functions conferred by virtue of paragraph (e) of subsection (4) may include functions relating to—
- (a) the recording of information on the conversion of civil partnerships;
  - (b) the issuing of certified copies of any information recorded;
  - [<sup>F2</sup>(ba) the carrying out, on request, of searches of any information recorded and the provision, on request, of records of any information recorded (otherwise than in the form of certified copies);]
  - (c) the conducting of services or ceremonies (other than religious services or ceremonies) following the conversion of a civil partnership.
- [<sup>F3</sup>(5A) Subsection (5B) applies where regulations under this section provide for a fee to be payable to a superintendent registrar or registrar.
- (5B) The regulations may provide for such part of the fee as may be specified in or determined in accordance with the regulations to be payable by the superintendent registrar or registrar to the Registrar General in such circumstances as may be set out in the regulations.
- (5C) The regulations may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.]
- (6) Where a civil partnership is converted into a marriage under this section—
- (a) the civil partnership ends on the conversion, and
  - (b) the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.
- (7) In this section—
- “England and Wales civil partnership” means a civil partnership which is formed by two people registering as civil partners of each other in England or Wales (see Part 2 of the Civil Partnership Act 2004);
- “relevant armed forces personnel” means—
- (a) a member of Her Majesty's forces;
  - (b) a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006);
- and for this purpose “ Her Majesty's forces ” has the same meaning as in the Armed Forces Act 2006;
- “relevant official” means—
- (a) the Registrar General;
  - (b) a superintendent registrar;

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- (c) a registrar;
- (d) a consular officer in the service of Her Majesty's government in the United Kingdom;
- (e) a person authorised by the Secretary of State in respect of the solemnization of marriages or formation of civil partnerships in a country or territory in which Her Majesty's government in the United Kingdom has for the time being no consular representative.

#### Textual Amendments

- F1** S. 9(2A) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **37(1)**
- F2** S. 9(5)(ba) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), ss. **99(3)**, 115(3)(k)
- F3** S. 9(5A)-(5C) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 5**; S.I. 2016/603, reg. 3(w)

#### Commencement Information

- I1** S. 9(1)-(5) (7) in force at 30.6.2014 for specified purposes by [S.I. 2014/1662](#), **art. 2(a)**
- I2** S. 9(1)-(5) (7) in force at 10.12.2014 in so far as not already in force by [S.I. 2014/3169](#), **art. 2**
- I3** S. 9(6) in force at 10.12.2014 by [S.I. 2014/3169](#), **art. 2**

## 10 Extra-territorial matters

- (1) A marriage under—
  - (a) the law of any part of the United Kingdom (other than England and Wales), or
  - (b) the law of any country or territory outside the United Kingdom,is not prevented from being recognised under the law of England and Wales only because it is the marriage of a same sex couple.
- (2) For the purposes of this section it is irrelevant whether the law of a particular part of the United Kingdom, or a particular country or territory outside the United Kingdom—
  - (a) already provides for marriage of same sex couples at the time when this section comes into force, or
  - (b) provides for marriage of same sex couples from a later time.
- (3) Schedule 2 (extra-territorial matters) has effect.

#### Commencement Information

- I4** S. 10(1)(2) in force at 13.3.2014 by [S.I. 2014/93](#), **art. 3(e)** (with art. 4)
- I5** S. 10(3) in force at 31.10.2013 for specified purposes by [S.I. 2013/2789](#), **art. 3(d)**
- I6** S. 10(3) in force at 13.3.2014 for specified purposes by [S.I. 2014/93](#), **art. 3(h)**

**Changes to legislation:**

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