



# Marriage (Same Sex Couples) Act 2013

## 2013 CHAPTER 30

### PART 1

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

##### *Religious protection*

## **2 Marriage according to religious rites: no compulsion to solemnize etc**

- (1) A person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—
- (a) undertake an opt-in activity, or
  - (b) refrain from undertaking an opt-out activity.

- (2) A person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement)—
- (a) to conduct a relevant marriage,
  - (b) to be present at, carry out, or otherwise participate in, a relevant marriage, or
  - (c) to consent to a relevant marriage being conducted,

where the reason for the person not doing that thing is that the relevant marriage concerns a same sex couple.

- (3) In this section—

“opt-in activity” means an activity of the kind specified in an entry in the first column of the following table which falls to be undertaken for the purposes of any enactment specified in the corresponding entry in the second column;

“opt-out activity” means an activity which reverses, or otherwise modifies, the effect of an opt-in activity.

*Status: This is the original version (as it was originally enacted).*

<i>Activity</i>	<i>Enactment</i>
Giving consent	<ul style="list-style-type: none"> <li>— Any of these provisions of the 1949 Act:               <ul style="list-style-type: none"> <li>(a) section 26A(3);</li> <li>(b) section 26B(2), (4) or (6);</li> <li>(c) section 44A(6);</li> <li>(d) section 46(1C)</li> </ul> </li> <li>— Regulations under section 70A(5) of the 1949 Act (as mentioned in section 70A(6)(c) of that Act) relating to an application for registration</li> <li>— Section 1(3) of the Marriage (Registrar General’s Licence) Act 1970</li> <li>— An armed forces overseas marriage Order in its application to marriages of same sex couples (as mentioned in paragraph 9(5) of Schedule 6)</li> </ul>
Applying for the registration of a building	Section 43A of the 1949 Act
Authorising a person to be present at the solemnization of marriages of same sex couples in a building registered under section 43A of the 1949 Act	Section 43B of the 1949 Act
Being authorised to be present at the solemnization of marriages of same sex couples in a building registered under section 43A of the 1949 Act	Section 43B of the 1949 Act
Giving a certificate, giving a copy of a consent, or certifying any matter	Any of these provisions of the 1949 Act: <ul style="list-style-type: none"> <li>(a) section 43A(3);</li> <li>(b) section 43B(2);</li> <li>(c) section 44A(7)</li> </ul>

(4) In this section—

“1949 Act” means the Marriage Act 1949;

“armed forces overseas marriage Order” means an Order in Council under Part 3 of Schedule 6;

“person”—

(a) includes a religious organisation;

(b) does not include a registrar, a superintendent registrar or the Registrar General;

“relevant marriage” means—

(a) a marriage of a same sex couple solemnized in accordance with—

(i) section 26A or 26B of the 1949 Act (marriage in a place of worship or in another place according to religious rites or usages),

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- (ii) Part 5 of the 1949 Act (marriage in a naval, military or air force chapel),
  - (iii) section 1 of the Marriage (Registrar General’s Licence) Act 1970 (deathbed marriage), where the marriage is according to religious rites or usages, or
  - (iv) an armed forces overseas marriage Order, where the marriage is according to religious rites or usages,  
including any ceremony forming part of, or connected with, the solemnization of such a marriage; and
- (b) a marriage ceremony read or celebrated in accordance with section 46 of the 1949 Act in respect of a same sex couple (religious ceremony after registrar’s marriage of same sex couple);  
and a reference to conducting a relevant marriage is to be read accordingly.
- (5) In section 110 of the Equality Act 2010 (liability of employees and agents), after subsection (5) insert—
- “(5A) A does not contravene this section if A—
- (a) does not conduct a relevant marriage,
  - (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
  - (c) does not consent to a relevant marriage being conducted,  
for the reason that the marriage is the marriage of a same sex couple.
- (5B) Subsection (5A) applies to A only if A is within the meaning of “person” for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section.”.
- (6) In Schedule 3 to the Equality Act 2010 (services and public functions: exceptions), after Part 6 insert—

## “PART 6A

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

#### **25A Marriage according to religious rites: no compulsion to solemnize etc**

- (1) A person does not contravene section 29 only because the person—
- (a) does not conduct a relevant marriage,
  - (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
  - (c) does not consent to a relevant marriage being conducted,  
for the reason that the marriage is the marriage of a same sex couple.
- (2) Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meanings in this paragraph as in that section.”.