

SCHEDULES

SCHEDULE 3

Section 11

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—
 - (a) a reference to marriage is to be read as including a reference to marriage of a same sex couple;
 - (b) a reference to a married couple is to be read as including a reference to a married same sex couple; and
 - (c) a reference to a person who is married is to be read as including a reference to a person who is married to a person of the same sex.
- (2) Where sub-paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a marriage that has ended, or a reference to a person whose marriage has ended) is to be read accordingly.
- (3) For the purposes of sub-paragraphs (1) and (2) it does not matter how a reference is expressed.

Interpretation of legislation about couples living together as if married

- 2 (1) In existing England and Wales legislation—
 - (a) a reference to persons who are not married but are living together as a married couple is to be read as including a reference to a same sex couple who are not married but are living together as a married couple;
 - (b) a reference to a person who is living with another person as if they were married is to be read as including a reference to a person who is living with another person of the same sex as if they were married.
 - (2) Where sub-paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to persons formerly living together as a married couple) is to be read accordingly.
 - (3) For the purposes of sub-paragraphs (1) and (2) it does not matter how a reference is expressed.
- 3 (1) This paragraph applies to existing England and Wales legislation which deals differently with—
 - (a) a man and a woman living together as if married, and

Status: This is the original version (as it was originally enacted).

- (b) two men, or two women, living together as if civil partners.
- (2) If two men, or two women, are living together as if married, that legislation applies to them in the way that it would apply to them if they were living together as civil partners.

General

- 4 This Part of this Schedule does not limit section 11(1) or (2).

PART 2

NEW ENGLAND AND WALES LEGISLATION

- 5 (1) This paragraph applies to provision made by—
- (a) this Act and any subordinate legislation made under it, or
 - (b) new England and Wales legislation,
- including any such provision which amends existing England and Wales legislation.
- (2) The following expressions have the meanings given—
- (a) “husband” includes a man who is married to another man;
 - (b) “wife” includes a woman who is married to another woman;
 - (c) “widower” includes a man whose marriage to another man ended with the other man’s death;
 - (d) “widow” includes a woman whose marriage to another woman ended with the other woman’s death;
- and related expressions are to be construed accordingly.
- (3) A reference to marriage of same sex couples is a reference to—
- (a) marriage between two men, and
 - (b) marriage between two women.
- (4) A reference to a marriage of a same sex couple is a reference to—
- (a) a marriage between two men, or
 - (b) a marriage between two women.
- (5) A reference to a same sex couple who are not married but are living together as a married couple is a reference to—
- (a) two men who are not married but are living together as a married couple, or
 - (b) two women who are not married but are living together as a married couple.
- (6) This Part of this Schedule does not limit section 11(1) or (2).