

## SCHEDULES

### SCHEDULE 6

#### MARRIAGE OVERSEAS

#### 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 for—
- (a) a man and a woman to marry each other in any country or territory outside the United Kingdom, and
  - (b) for a same sex couple to marry in prescribed countries or territories outside the United Kingdom,
- in the presence of an authorised person, in cases where the authorised person is satisfied that the conditions in sub-paragraph (2) are met.
- (2) The conditions are that—
- (a) at least one of the people proposing to marry is—
    - (i) a member of Her Majesty’s forces serving in the country or territory in which it is proposed that they marry,
    - (ii) a relevant civilian who is employed in that country or territory, or
    - (iii) a child of a person falling within sub-paragraph (i) or (ii) whose home is with that person in that country or territory, and
  - (b) the people proposing to marry would have been eligible to marry each other in such part of the United Kingdom as is determined in accordance with the Order.
- (3) In a case where one person (“P”) treats, or has treated, another person (“C”), as a child of the family in relation to—
- (a) a marriage to which P is or was a party, or
  - (b) a civil partnership to which P is or was a party,
- C is to be regarded for the purposes of sub-paragraph (2)(a)(iii) as the child of P.

###### *Religious services at forces marriages of same sex couples*

- 9 (1) An Order in Council under this Part of this Schedule may make provision about the solemnization of forces marriages of same sex couples according to religious rites and usages.
- (2) An Order in Council may, in particular, make provision—
- (a) prohibiting the solemnization of such marriages according to particular religious rites or usages; or

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- (b) permitting the solemnization of such marriages according to particular religious rites or usages.
- (3) Sub-paragraph (2)(b) is subject to sub-paragraphs (4) and (5).
- (4) An Order in Council may not make provision allowing the solemnization of forces marriages of same sex couples according to the rites of the Church of England or Church in Wales.
- (5) If an Order in Council makes provision allowing the solemnization of forces marriages of same sex couples according to particular religious rites or usages (other than those of the Church of England or Church in Wales), the Order in Council must also make provision to secure that such a marriage may not be solemnized according to those rites or usages unless the relevant governing authority has given written consent to marriages of same sex couples.
- (6) The person or persons who are the relevant governing body for that purpose are to be determined in accordance with provision made by an Order in Council under this Part of this Schedule.
- (7) This paragraph does not affect the provision that may be made about the solemnization of forces marriages of opposite sex couples according to religious rites and usages.
- (8) If section 8 applies, the Lord Chancellor may, by order, make such relevant amending provision as the Lord Chancellor considers appropriate to allow for the solemnization of forces marriages of same sex couples according to the rites of the Church in Wales.
- (9) For that purpose “relevant amending provision” means—
  - (a) provision amending sub-paragraphs (4) and (5) by omitting the words “or Church in Wales”;
  - (b) provision amending any Order in Council made under this Part of this Schedule;
  - (c) provision amending any other UK legislation (including legislation contained in this Part of this Schedule).
- (10) In making an order under sub-paragraph (8), the Lord Chancellor must have regard to the terms of the resolution of the Governing Body of the Church in Wales referred to in section 8(1).

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

- 10 An Order in Council under this Part of this Schedule may provide that two people who marry in a forces marriage are to be treated for prescribed purposes as if they had married in the relevant part of the United Kingdom.

*Validity of forces marriage*

- 11 A forces marriage is valid in law as if the marriage had been solemnized in the relevant part of the United Kingdom with a due observance of all forms required by the law of the relevant part of the United Kingdom.

*Interpretation*

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

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- (a) a reference to a country or territory includes a reference to the waters of a country or territory;
- (b) a reference to Her Majesty's forces serving in a country or territory includes a reference to such forces serving in a ship in the waters of a country or territory;
- (c) a reference to a relevant civilian employed in a country or territory includes a reference to such a civilian employed in a ship in the waters of a country or territory.

(2) In this Part of this Schedule—

“authorised person”, in relation to a marriage in a country or territory outside the United Kingdom, means—

- (a) a chaplain serving in any of Her Majesty's forces in that country or territory, or
- (b) a person authorised by the commanding officer of any of Her Majesty's forces in that country or territory to conduct that marriage or marriages generally;

“commanding officer” has the same meaning as in the Armed Forces Act 2006;

“forces marriage” means a marriage solemnized in accordance with the provisions of this Part of this Schedule and any Order in Council made under it;

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;

“relevant civilian” means a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006) who is of a prescribed description;

“relevant part of the United Kingdom”, in relation to a forces marriage, means the part of the United Kingdom determined in accordance with paragraph 8(2)(b) for the purposes of the marriage.