
EXPLANATORY NOTE

(This note is not part of the Order)

This is the second Commencement Order made in relation to the Marriage (Same Sex Couples) Act 2013 (c. 30) (“the Act”). The Marriage (Same Sex Couples) Act 2013 (Commencement No. 1) Order 2013 (S.I. 2013/2789 (C. 110)) brought into force a number of provisions of the Act for the purpose of making subordinate legislation, as well as certain other provisions. This Order brings into force the majority of the provisions of the Act extending marriage to same sex couples under the law of England and Wales.

Article 2 brings into force on 21st January 2014 certain provisions for the purpose of making subordinate legislation. These include the power of the Secretary of State in section 6 to make regulations about the registration of armed forces chapels for the marriage of same sex couples; and the powers of Her Majesty in Schedule 6 to make an Order in Council regarding consular marriage under UK law, certificates of no impediment and overseas marriage of armed forces personnel under UK law.

Article 3 brings into force on 13th March 2014 the majority of the Act extending marriage to same sex couples, allowing notice of such marriages to be given from that date. The provisions which are commenced exclude those relating to where a spouse changes legal gender under the Gender Recognition Act 2004 (c. 7) and those relating to conversion of a civil partnership into a marriage under section 9 of the Act.

Article 4 is a transitional provision regarding overseas marriages of same sex couples which are currently treated in England and Wales as civil partnerships. The change from such treatment to being recognised as marriages will occur on 13th March 2014 in accordance with article 3(e). However, article 4 provides that this will have no effect on court proceedings in England and Wales concerning such a marriage, where those proceedings were issued under any provision of the Civil Partnership Act 2004 (c. 33) before 13th March 2014.

Article 5 brings into force on 3rd June 2014 provisions concerning marriage of same sex couples in armed forces chapels, and provisions concerning consular marriage under UK law, certificates of no impediment and overseas marriages of armed forces personnel under UK law, allowing marriages in accordance with those provisions to be solemnized from that date.