

2014 No. 93 (C. 3)

MARRIAGE

**The Marriage (Same Sex Couples) Act 2013 (Commencement
No. 2 and Transitional Provision) Order 2014**

Made - - - - *15th January 2014*

The Secretary of State, in exercise of the powers conferred by sections 18(4) and 21(3) of the Marriage (Same Sex Couples) Act 2013(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Marriage (Same Sex Couples) Act 2013 (Commencement No. 2 and Transitional Provision) Order 2014.

(2) In this Order “the Act” means the Marriage (Same Sex Couples) Act 2013.

Provisions coming into force on 21st January 2014

2. To the extent that the following provisions of the Act confer or relate to the power to make subordinate legislation, those provisions come into force on 21st January 2014 for the purpose of exercising any power (arising under or by virtue of that provision) to make subordinate legislation—

- (a) section 6; and
- (b) the following paragraphs of Schedule 6, and section 13(1) so far as it relates to those paragraphs—
 - (i) paragraphs 1 and 2;
 - (ii) paragraph 4;
 - (iii) paragraphs 6 to 10; and
 - (iv) paragraphs 12 to 15.

Provisions coming into force on 13th March 2014

3. The following provisions of the Act come into force on 13th March 2014—

- (a) sections 1 to 3;
- (b) section 4 so far as it is not already in force;
- (c) section 5;
- (d) sections 7 and 8;
- (e) section 10(1) and (2);
- (f) section 11(1) to (3) and (5) to (7);

- (g) Schedule 1 so far as it is not already in force;
- (h) paragraphs 2(1), 3 and 4 of Schedule 2, and section 10(3) so far as it relates to those paragraphs;
- (i) Schedule 3;
- (j) the following paragraphs of Schedule 4 so far as they are not already in force, and section 11(4) so far as it relates to those paragraphs—
 - (i) paragraphs 1 to 10;
 - (ii) paragraphs 11 to 14 except so far as they relate to a case where a spouse is, or was at the time of her death, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004(a) and the marriage subsisted before the time when that certificate was issued;
 - (iii) paragraph 17 except so far as it relates to a relevant gender change case for the purposes of the Equality Act 2010(b);
 - (iv) paragraph 18 except so far as it relates to a relevant gender change case for the purposes of the Pension Schemes Act 1993(c);
 - (v) paragraph 19;
 - (vi) paragraphs 20 to 22 except so far as they relate to a relevant gender change case for the purposes of the Pension Schemes Act 1993;
 - (vii) paragraphs 24 to 26; and
 - (viii) paragraph 27(1) and (2); and
- (k) the following paragraphs of Schedule 7, and section 17(4) so far as it relates to those paragraphs—
 - (i) paragraphs 1 to 20;
 - (ii) paragraphs 22 to 28;
 - (iii) paragraphs 31 to 33; and
 - (iv) paragraphs 35 to 45.

Transitional provision regarding overseas marriages of same sex couples

4.—(1) The coming into force of section 10(1) and (2) of the Act does not affect court proceedings in England and Wales concerning an overseas marriage, where those proceedings were issued under any provision of the Civil Partnership Act 2004(d) before 13th March 2014.

(2) In this article, an “overseas marriage” means a marriage under the law of any country or territory outside the United Kingdom which is treated as a civil partnership by virtue of Part 5 of the Civil Partnership Act 2004.

Provisions coming into force on 3rd June 2014

5. The following provisions of the Act come into force on 3rd June 2014 so far as they are not already in force—

- (a) section 6;
- (b) section 13;
- (c) Schedule 6; and
- (d) paragraph 21 of Schedule 7, and section 17(4) so far as it relates to that paragraph.

(a) 2004 c. 7.
 (b) 2010 c. 15.
 (c) 1993 c. 48.
 (d) 2004 c. 33.

15th January 2014

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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4 (partially)	31st October 2013	2013/2789
Section 10(3) (partially)	31st October 2013	2013/2789
Section 11(4) (partially)	31st October 2013	2013/2789
Section 14	31st October 2013	2013/2789
Section 17(1) to (3)	31st October 2013	2013/2789
Sections 18 to 20	31st October 2013	2013/2789
Schedule 1 (partially)	31st October 2013	2013/2789
Schedule 2, paragraphs 1 and 2(2)	31st October 2013	2013/2789
Schedule 4, paragraphs 5, 8 and 14 (partially)	31st October 2013	2013/2789
Schedule 4, paragraph 27(3) and (4)	31st October 2013	2013/2789

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