

## SCHEDULE

Article 2

### Consequential Amendments to Acts of Parliament

#### Wills Act 1837

- 1.—(1) The Wills Act 1837<sup>(1)</sup> is amended as follows.
- (2) In section 18<sup>(2)</sup> (will to be revoked by marriage)—
  - (a) in subsection (1), for “(4)” substitute “(5)”, and
  - (b) after subsection (4) insert—
    - “(5) Nothing in this section applies in the case of a marriage which results from—
      - (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section; or
      - (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—
        - (i) the Marriage (Scotland) Act 1977<sup>(3)</sup>;
        - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or
        - (iii) any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014.”.
  - (3) After section 18C<sup>(4)</sup> insert—

#### “Effect on subsisting will of conversion of civil partnership into marriage

- 18D.**—(1) The conversion of a civil partnership into a marriage does not—
  - (a) revoke any will made by a party to the civil partnership before the conversion; or
  - (b) affect any disposition in such a will.
- (2) The conversion of a civil partnership into a marriage does not affect any previous application of section 18B(2) to (6) to—
  - (a) a will made by a party to the civil partnership before the conversion; or
  - (b) a disposition in such a will.
- (3) Subsections (1) and (2) are subject to subsection (4).
- (4) Any reference in a will to a civil partnership or civil partners (howsoever expressed) is to be read in relation to any civil partnership that has been converted into a marriage, or civil partners who have converted their civil partnership into a marriage, as referring to that marriage or married couple, as appropriate.
- (5) Subsection (4) is subject to any contrary intention appearing from the will.
- (6) In this section “conversion” means—
  - (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section;
  - (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—

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(1) 1837 c. 26.

(2) Section 18 was substituted in relation to England and Wales by the Administration of Justice Act 1982 (c. 53) section 18(1).

(3) 1977 c. 15.

(4) Section 18C was inserted by the Civil Partnership Act 2004, Schedule 4, paragraphs 1, 2 and 5.

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- (i) the Marriage (Scotland) Act 1977;
  - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or
  - (iii) any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014, and
- “converted” is to be read accordingly.”.

### **Perjury Act 1911**

**2.—(1)** Section 3 of the Perjury Act 1911<sup>(5)</sup> (false statements, etc, with reference to marriage) is amended as follows.

(2) In subsection (1)(b)—

- (a) after “register of marriage” insert “or register of conversions”, and
- (b) after “marriage” in the second place it occurs, insert “or any civil partnership which is to be converted into a marriage”.

(3) After subsection (2), insert—

“(3) In subsection (1)(b), “register of conversions” means the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 9 of the Marriage (Same Sex Couples) Act 2013<sup>(6)</sup> and regulations made under that section.”

### **Marriage Act 1949**

**3.—(1)** The Marriage Act 1949<sup>(7)</sup> is amended as follows.

(2) In section 45<sup>(8)</sup> (solemnization of marriage in register office), for “the last foregoing section” substitute “section 44”.

(3) In section 46<sup>(9)</sup> (register office marriage followed by religious ceremony)—

(a) in subsection (1), after “regular minister” insert “, or (in the case of the conversion of a civil partnership at a place of residence) at that place of residence,”,

(b) in subsection (1A)—

(i) omit ““relevant marriage” means”,

(ii) before paragraph (a) insert—

““place of residence”, in relation to the conversion of a civil partnership, means a place that a superintendent registrar attends for the purpose of the conversion because one of the parties to the civil partnership—

(a) is housebound there,

(b) is detained there as a patient in a hospital or in a prison or other place to which the Prison Act 1952<sup>(10)</sup> applies, or

(c) is (being a person who is seriously ill and not expected to recover) present there;

“relevant marriage” means—”,

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<sup>(5)</sup> 1911 c. 6; there are amendments to section 3 not relevant to this Order.

<sup>(6)</sup> 2013 c. 30.

<sup>(7)</sup> 1949 c. 76.

<sup>(8)</sup> Section 45 was amended by the Immigration and Asylum Act 1999 (c. 33), Schedule 14, paragraphs 3 and 24 and by the Marriage Ceremony (Prescribed Words) Act 1996 (c. 34), section 1(2).

<sup>(9)</sup> Section 46(1) was amended by, and section 46(1A) to (1D) was inserted by, the Act, Schedule 7, paragraph 13(1) to (3). Section 46(2) was amended by the Marriage Act 1983 (c. 32), Schedule 1, paragraph 12.

<sup>(10)</sup> 1952 c. 52.

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- (c) in subsection (1D), for the definition of “relevant governing authority” substitute—
- ““relevant governing authority” means—
- (a) except in a case falling within paragraph (b) or (c), the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;
  - (b) in the case of a ceremony according to the usages of the Society of Friends, the recording clerk for the time being of the Society of Friends in London; and
  - (c) in the case of a ceremony according to the usages of the Jews, the person or persons who would be the relevant governing authority (in accordance with section 26B(5))(11) if the ceremony were a marriage that was to be registered in accordance with section 53(c)(12);”
- (d) in subsection (2)—
- (i) for “any marriage previously solemnised in the presence of a superintendent registrar” substitute “the relevant marriage”, and
  - (ii) after “Act” insert “or in the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section.”
- (e) after subsection (3) insert—
- “(4) In this section a reference to a church or chapel includes a reference to—
- (a) a place of meeting for members of the Society of Friends;
  - (b) a Jewish synagogue; and
  - (c) a place of worship certified under the Places of Worship Registration Act 1855(13).
- (5) Subsection (4) does not limit—
- (a) the churches or persuasions to which this section applies; or
  - (b) the interpretation of this section in its application to a particular church or persuasion.
- (6) In the case of a religious ceremony which follows the conversion of a civil partnership in a country or territory outside of the United Kingdom in accordance with provision made by regulations under section 9 of the Marriage (Same Sex Couples) Act 2013(14) in relation to—
- (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006(15)) serving in the country or territory in which it is proposed they convert their civil partnership;
  - (b) a relevant civilian (as defined in Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under that Part) who is employed in that country or territory; or
  - (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party);

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(11) Section 26B was inserted by the Act, section 5.

(12) Section 53(c) was amended by the Act, Schedule 7, paragraphs 2 and 16. There are other amendments to section 53 not relevant to this Order.

(13) 1855 c.81.

(14) 2013 c. 30.

(15) 2006 c. 52.

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this section is to be read in accordance with subsection (7).

(7) In a case to which subsection (6) applies—

(a) subsection (1) is to be read as if—

- (i) the reference to a clergyman or minister (including a reference to a clergyman or minister of a particular church or persuasion) includes a reference to a chaplain serving in any of Her Majesty’s forces;
- (ii) there is no reference to a superintendent registrar; and
- (iii) the reference to the place of worship of which a person is a regular minister is a reference to the place where the conversion occurs (including any place of worship that is provided by the Secretary of State); and

(b) subsection (1C) is to be read as if it —

- (i) requires the relevant governing authority’s written consent to the reading or celebrating of the marriage service to be given to the Secretary of State; and
- (ii) additionally, requires the clergyman, minister or chaplain who is to read or celebrate the service to have the consent of the relevant governing authority to do so.”

(4) The validity of a consent given before the commencement of paragraph (3)(c) is not affected by the amendments of section 46(1D) made by that paragraph where the person or persons who gave the consent (or any successor or successors of that person or those persons) continue to be the relevant governing authority under section 46(1D) as so amended.

### **Registration of Births, Deaths and Marriages (Special Provisions) Act 1957**

4.—(1) The Registration of Births, Deaths and Marriages (Special Provisions) Act 1957<sup>(16)</sup> is amended as follows.

(2) In section 1<sup>(17)</sup> (records of deaths, births and marriages among armed forces and service civilians and their families overseas)—

- (a) in subsection (1), for “solemnised” substitute “entered into”, and
- (b) for subsection (6), substitute—

“(6) In this section—

“civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006, and

“marriages” includes a marriage resulting from—

- (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section,
- (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004<sup>(18)</sup> into a marriage under any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014<sup>(19)</sup>.”.

<sup>(16)</sup> 1957 c. 58.

<sup>(17)</sup> Section 1(1) was amended by the Civil Partnership Act 2004 (c. 33), Schedule 27, paragraph 21 and by the Armed Forces Act 2006, Schedule 16, paragraph 39(1) and (2). Section 1(6) was substituted for subsection (5) as originally enacted by the Armed Forces Act 2006, Schedule 16, paragraph 39(1) and (4). There are other amendments to section 1 not relevant to this Order.

<sup>(18)</sup> 2004 c. 33.

<sup>(19)</sup> 2014 asp 5.

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- (3) In section 3(20) (general provisions as to service departments records)—
- (a) after “1874” in both places it occurs insert “or of any relevant order,”,
  - (b) in subsection (2) for “and marriages” substitute “, marriages and civil partnerships”, and
  - (c) after subsection (3) insert—
    - “(4) In this section “relevant order” means any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014 which provides for the change of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 in a country or territory outside the United Kingdom by—
- (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006) serving in the country or territory in which it is proposed they change their civil partnership;
  - (b) a civilian subject to service discipline within the meaning of the Armed Forces Act 2006 who is employed in that country or territory;
  - (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party.”.

#### **Public Libraries and Museums Act 1964**

5. In Schedule 1 to the Public Libraries and Museums Act 1964(21) (superannuation and other benefits in cases of transfer etc), for “widow” in each place it occurs, substitute “surviving spouse or surviving civil partner”.

#### **Matrimonial Causes Act 1973**

6.—(1) The Matrimonial Causes Act 1973(22) is amended as follows.

(2) In section 11(23) (grounds on which a marriage is void), after “1971” insert “, other than a marriage to which section 12A applies,”.

(3) In section 12(24) (grounds on which a marriage is voidable), after “1971” insert “, other than a marriage to which section 12A applies,”.

(4) After section 12, insert—

#### **“Grounds on which a marriage converted from a civil partnership is void or voidable**

12A.—(1) This section applies to a marriage which has been converted, or is purported to have been converted, from a civil partnership under section 9 of the 2013 Act and regulations made under that section.

(2) A marriage which results from the purported conversion of a void civil partnership is void.

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(20) Section 3(3) was amended by [S.I. 2002/1419](#).

(21) [1964 c. 75](#); Schedule 1 was amended by the Superannuation Act [1972 \(c. 11\)](#), Schedule 8, and by [S.I. 1974/520](#) and [S.I. 1977/1341](#).

(22) [1973 c. 18](#).

(23) Section 11 was amended by the Marriage Act 1983, section 2(4), the Marriage (Prohibited Degrees of Relationship) Act [1986 \(c. 16\)](#), the Private International Law (Miscellaneous Provisions) Act [1995 \(c. 42\)](#), the Schedule, paragraph 2(2), section 6(4), the Civil Partnership Act 2004, Schedule 27, paragraph 40 and the Act, Schedule 7, paragraphs 26 and 27.

(24) Section 12 was amended by the Act, Schedule 4, paragraphs 4(1) to (3), the Mental Health Act (c. 20), Schedule 4, paragraph 34 and by the Gender Recognition Act 2004, Schedule 2, paragraphs 1 and 2 and Schedule 4, paragraphs 4 and 5.

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(3) A marriage which results from the conversion of a civil partnership is voidable if any of paragraphs (c) to (h) of section 12(1) applied at the date from which the marriage is treated as having subsisted in accordance with section 9(6) of the 2013 Act.

(4) In this section, the “2013 Act” means the Marriage (Same Sex Couples) Act 2013.”.

### **Domicile and Matrimonial Proceedings Act 1973**

7. In paragraph 8(1)(b) of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973<sup>(25)</sup> (staying of matrimonial proceedings (England and Wales)), for “its celebration” substitute “they entered into it”.

### **Social Security Pensions Act 1975**

8.—(1) Section 59 of the Social Security Pensions Act 1975<sup>(26)</sup> (increase of official pensions) is amended as follows.

(2) In subsection (5ZB)<sup>(27)</sup>, for paragraph (a) substitute—

“(a) in the case of a pension payable to a woman in respect of the services—

(i) of her deceased male spouse; or

(ii) of her deceased female spouse in a relevant gender change case;

one half of the rate of the deceased spouse’s guaranteed minimum pension at the relevant time;”.

(3) In subsection (5ZC)<sup>(28)</sup>—

(a) in paragraph (a)(i) omit “or”,

(b) in paragraph (a)(ii) for “spouse,” substitute “spouse;”,

(c) after paragraph (a)(ii) insert—

“(iii) a pension payable to a woman in respect of the services of her deceased female spouse in a relevant gender change case; or

(iv) a pension payable to a man in respect of the services of his deceased male spouse in a relevant gender change case,” and

(d) in paragraph (b), after “sex” insert “(other than a pension within paragraph (a)(iii) or (iv))”.

(4) In subsection (7)<sup>(29)</sup>, after the definition of “lump sum” insert—

““relevant gender change case” means a case where—

(a) the deceased spouse was a man or a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004<sup>(30)</sup>; and

(b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse’s death) subsisted before the time when the certificate was issued.”.

<sup>(25)</sup> 1973 c. 45. There are amendments to Schedule 1 not relevant to this Order.

<sup>(26)</sup> 1975 c. 60.

<sup>(27)</sup> Subsection (5ZB) was inserted by the Pensions Act 2008 (c. 30), section 137(1) and (8), and, in relation to England and Wales, was amended by S.I. 2014/560.

<sup>(28)</sup> Subsection (5ZC) was inserted by the Pensions Act 2008, section 137(1) and (8), and, in relation to England and Wales, was amended by S.I. 2014/560.

<sup>(29)</sup> Subsection 7 was amended by the Social Security Act 1979 (c. 18), Schedule 3, paragraph 20, the Pension Schemes Act 1993 (c. 48), Schedule 8, paragraph 9(1)(b) and the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), section 5(2) and in relation to England and Wales by S.I. 2014/560. There are other amendments to section 59 not relevant to this Order.

<sup>(30)</sup> 2004 c. 7.

## Legitimacy Act 1976

**9.** In section 1 of the Legitimacy Act 1976(**31**) (legitimacy of children of certain void marriages), after subsection (4) insert—

“(5) Subsections (1) and (4) are to be read, in relation to the child of a void marriage which has resulted from the purported conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section, as if the reference to the time of the celebration of the marriage was a reference to the date of the purported conversion of the civil partnership into a marriage.”.

## Forgery and Counterfeiting Act 1981

**10.**—(1) Section 5 of the Forgery and Counterfeiting Act 1981(**32**) (offences relating to money orders, share certificates, passports, etc) is amended as follows.

(2) In subsection (5)(l), after “civil partnerships” insert “, conversions”.

(3) After subsection (6) insert—

“(6A) In subsection (5)(l) above, “conversion” means the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section.”.

## Social Security Contributions and Benefits Act 1992

**11.**—(1) Schedule 5 to the Social Security Contributions and Benefits Act 1992(**33**) (pension increase or lump sum where entitlement to retirement pension is deferred) is amended as follows.

(2) In paragraph 5(2)(**34**)—

(a) for paragraph (a), substitute—

“(a) where W is a woman—

(i) whose deceased spouse was a man, or

(ii) who falls within paragraph 7(3) below,

an amount equal to the sum of the amounts set out in paragraph 5A(2) or (3) below (as the case may be),”, and

(b) for paragraph (c)(i), substitute—

“(i) a woman who does not fall within paragraph 7(3) below and whose deceased spouse was a woman,”.

(3) In paragraph 5A(**35**)—

(a) for sub-paragraph (1) substitute—

“(1) This paragraph applies where W (referred to in paragraph 5 above) is a woman—

(a) whose deceased spouse was a man, or

(b) who falls within paragraph 7(3) below.”, and

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**(31)** 1976 c. 31; section 1(1) was amended by, and section 1(3) and (4) was inserted by, the Family Law Reform Act 1987 (c. 42), section 28. Section 1(2) was amended in relation to England and Wales by S.I. 2014/560.

**(32)** 1981 c. 45; section 5(5)(l) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 67. There are other amendments to section 5 not relevant to this Order.

**(33)** 1992 c. 4.

**(34)** Paragraph 5 was amended by S.I. 2005/2053 and in relation to England and Wales, by S.I. 2014/560. Paragraphs 5, 5A and 6 were substituted for paragraphs 5 and 6 as originally enacted by the Pensions Act 1995 (c. 26), Schedule 4, paragraph 21(15). Paragraphs 5 to 6A were repealed by the Pensions Act 2011 (c. 19), section 2(5), subject to savings made by section 2(7). That repeal was brought into force in respect of certain specified provisions by S.I. 2011/3034 but is not yet fully in force.

**(35)** Paragraph 5A was amended by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 39 and the Pensions Act 2007 (c. 22), Schedule 1, paragraph 20 and Schedule 7, Part 3 and in relation to England and Wales by S.I. 2014/560.

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- (b) in sub-paragraphs (2) and (3), for “husband” in each place it appears, substitute “spouse”.
- (4) For paragraph 6A(1)(a)(**36**), substitute—
  - “(a) a woman who does not fall within paragraph 7(3) below and whose deceased spouse was a woman,”.
- (5) In paragraph 7(**37**), after sub-paragraph (2) insert—
  - “(3) For the purposes of paragraphs 5, 5A and 6A above, a woman falls within this sub-paragraph if—
    - (a) she was married to another woman who, at the time of her death, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
    - (b) that marriage subsisted before the time when that certificate was issued.”.

### **Social Security Administration Act 1992**

**12.**—(1) Section 124 of the Social Security Administration Act 1992(**38**) (provisions relating to age, death and marriage) is amended as follows.

(2) In the closing words to subsection (1), after “custody” insert “(or in the case of marriages converted from civil partnerships, copies or extracts from the register of conversions)”.

(3) After subsection (3)(**39**), insert—

“(3A) Where it is required to be ascertained or proved for the purposes mentioned in subsection (1) above, that a civil partnership has been converted into a marriage, any person—

- (a) on presenting to the superintendent registrar in whose district the conversion took place, a duly completed requisition in writing in that behalf; and
- (b) on payment of a fee of £10.00;

is entitled to obtain a copy, certified under the hand of the superintendent registrar, of the entry relating to that marriage in the register of conversions.”.

(4) In subsection (4), for “subsection (3)” substitute “subsections (3) and (3A)”.

(5) In subsection (5)(a), before the definition of “Registrar General” insert—

““register of conversions” means the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section;”.

(36) Paragraph 6A was inserted by [S.I. 2005/2053](#) and was amended by the Pensions Act 2007, Schedule 1, paragraph 20 and Schedule 7, Part 3 and in relation to England and Wales, by [S.I. 2014/560](#).

(37) Paragraph 7 was amended by [S.I. 2005/2053](#). It was repealed by the Pensions Act 2011, section 2(5), subject to savings made by section 2(7), but that repeal is not yet fully in force.

(38) [1992 c. 5](#); subsection (1)(aa) was inserted by the Jobseekers Act [1995 \(c. 18\)](#), Schedule 2, paragraph 59, subsection (1)(ab) was inserted by the State Pension Credit Act [2002 \(c. 16\)](#), Schedule 2, paragraphs 8 and 13, subsection (1)(ac) was inserted by the Welfare Reform Act [2007 \(c. 5\)](#), Schedule 3, paragraphs 10(1) and 16 and amended by the Welfare Reform Act [2012 \(c. 5\)](#), Schedule 2, paragraphs 3 and 17(a), subsection 1(ad) was inserted by the Welfare Reform Act 2012, Schedule 2, paragraphs 3 and 17(b), subsection (1)(ae) was inserted by the Welfare Reform Act 2012, Schedule 9, paragraphs 7 and 15, subsection (1)(af) was inserted by the Pensions Act [2014 \(c. 19\)](#), Schedule 12, paragraphs 8 and 15, subsection (1)(ag) was inserted by the Pensions Act 2014, Schedule 16, paragraphs 20 and 28.

(39) Subsection (3) was amended by [S.I. 1997/2939](#), in relation to England and Wales by [S.I. 2010/441](#) and in relation to Scotland by [S.S.I. 2010/428](#). There are other amendments to section 124 not relevant to this Order.



### **Statistics and Registration Service Act 2007**

**13.** In section 42(2) of the Statistics and Registration Service Act 2007<sup>(40)</sup> (information relating to births and deaths etc), after paragraph (e) insert—

- “(ea) any information recorded under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section on the conversion of a civil partnership into a marriage;”.

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<sup>(40)</sup> 2007 c. 18; subsection (2) was amended in relation to England and Wales by S.I. 2014/560. There are other amendments to section 42 not relevant to this Order.