

Draft Regulations laid before Parliament under section 70A(7) of the Marriage Act 1949, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

**REGISTRATION OF BIRTHS, DEATHS,
MARRIAGES, ETC., ENGLAND AND WALES**

**The Marriage of Same Sex Couples (Use of
Armed Forces' Chapels) Regulations 2014**

Made - - - - *****
Coming into force - - *3rd June 2014*

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 70A(7) of the Marriage Act 1949(1).

The Secretary of State, in exercise of the powers conferred by section 70A(5) and (6) of the Marriage Act 1949, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marriage of Same Sex Couples (Use of Armed Forces' Chapels) Regulations 2014 and come into force on 3rd June 2014.

Interpretation

2. In these Regulations —

“the 1949 Act” means the Marriage Act 1949;

“application” means an application made under—

(a) section 70A(1) of the 1949 Act; or

(b) 70(2) of the 1949 Act (as applied by section 70A(3) of that Act);

“chapel” means a chapel which is certified pursuant to section 68(2) of the 1949 Act;

“relevant governing authority” in relation to a relevant religious organisation means the person or persons recognised by the members of the relevant religious organisation as competent to respond to the Secretary of State for the purposes of these Regulations;

(1) 1949 c. 76; section 70A of the Marriage Act 1949 was inserted by section 6 of the Marriage (Same Sex Couples) Act 2013 c. 30.

“relevant religious organisation” in relation to a chapel means a religious organisation for whose religious purposes the chapel is used.

Consultation by the Secretary of State

3. Prior to making any application, the Secretary of State must consult with the relevant governing authority of any relevant religious organisation which in his opinion makes significant regular use of the chapel.

Matters to which the Secretary of State must have due regard

4. In considering whether to make an application and the timing of such an application, the Secretary of State must have due regard to the following matters—

- (a) any agreement or objection by the relevant governing authority of a relevant religious organisation as to the proposed application;
- (b) any changes or proposed changes in the use of the chapel;
- (c) the interests of a same sex couple who wish to have their marriage solemnized at that chapel; and
- (d) in relation to an application under section 70A(1) of the 1949 Act, whether in respect of that chapel—
 - (i) a person has agreed to be authorised under section 43B(1) of the 1949 Act; and
 - (ii) the Secretary of State would so authorise that person⁽²⁾.

Certificate by the Secretary of State

5. Any application under section 70A(1) of the 1949 Act must be accompanied by a certificate in which the Secretary of State certifies that the chapel in respect of which the application is made is not consecrated according to the rites of the Church of England.

Parliamentary Under Secretary of State
Ministry of Defence

(2) Part 4 of Schedule 4 to the 1949 Act as amended by paragraph 21(3) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 provides that for any reference to the trustees or governing body there should be substituted a reference to the Admiralty or persons authorised by them in the case of a naval chapel and in the case of any other chapel, the Secretary of State or a person authorised by him. The functions of the Admiralty were transferred to the Secretary of State by virtue of section 3(2) of the Defence (Transfer of Functions) Act 1964 c. 15.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the registration under part 5 of the Marriage Act 1949 (“the 1949 Act”) of naval, military and air force chapels for the purposes of marriages of same sex couples. Regulation 3 provides for consultation prior to the making of such application. Regulation 4 sets out the matters to which the Secretary of State must have regard prior to the making of any application. Regulation 5 requires the Secretary of State to certify that the chapel is not consecrated by the Church of England.