Marriage (Same Sex Couples) Act 2013

CHAPTER 30

MARRIAGE (SAME SEX COUPLES) ACT 2013

PART 1

MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

Extension of marriage
1 Extension of marriage to same sex couples

Religious protection
2 Marriage according to religious rites: no compulsion to solemnize etc

Part 3 of the Marriage Act 1949
3 Marriage for which no opt-in necessary
4 Opt-in: marriage in places of worship
5 Opt-in: other religious ceremonies

Part 5 of the Marriage Act 1949
6 Armed forces chapels

The Marriage (Registrar General’s Licence) Act 1970
7 Opt-in: “deathbed marriages”

The Church in Wales
8 Power to allow for marriage of same sex couples in Church in Wales
Other provisions relating to marriages of same sex couples

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Effect of extension of marriage

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4 General

PART 2 — NEW ENGLAND AND WALES LEGISLATION

(1) This paragraph applies to provision made by—

SCHEDULE 4 — Effect of extension of marriage: further provision

PART 1 — PRIVATE LEGAL INSTRUMENTS

1 Existing instruments

PART 2 — PRESUMPTION ON BIRTH OF CHILD TO MARRIED WOMAN

2 Common law presumption

PART 3 — DIVORCE AND ANNULMENT OF MARRIAGE

3 Divorce

4 Annulment of marriage

PART 4 — MATRIMONIAL PROCEEDINGS

5 Amendment of the Domicile and Matrimonial Proceedings Act 1973

6 (1) Section 5 (jurisdiction of High Court and county courts)... 

7 Section 6 (miscellaneous amendments, transitional provision and savings), subsection (3):...

8 Before Schedule 1 insert— SCHEDULE A1 Jurisdiction in relation to...

9 Schedule 1 (staying of matrimonial proceedings in England and Wales:... 

10 Transitory provision until commencement of Presumption of Death Act 2013

PART 5 — STATE PENSIONS

11 Category B retirement pension for married person

12 Category B retirement pension for widows and widowers

13 Category B retirement pension for widowers

14 Graduated retirement benefit

15 Adult dependency increases

16 Converted civil partnerships

PART 6 — OCCUPATIONAL PENSIONS AND SURVIVOR BENEFITS

17 Benefits dependent on marriage of same sex couples

18 Pension Schemes Act 1993

19 In section 8(2) (meaning of certain terms), in the definition...

20 (1) Section 17 (minimum pensions for widows and widowers) is...

21 (1) Section 24D (survivors’ benefits) is amended as follows.

22 (1) Section 37 (alteration of rules of contracted-out schemes) is...

23 Before section 39 insert— Regulations about relevant gender change cases...

24 In section 47 (further provisions about effect of entitlement to...

25 In section 84 (basis of revaluation), in subsection (5), after...

26 In Schedule 3 (methods of revaluing accrued pension benefits), in...

PART 7 — PROVISIONS WHICH LIMIT EQUIVALENCE OF ALL MARRIAGES ETC

27 Contrary provision

SCHEDULE 5 — Change of gender of married persons or civil partners

PART 1 — APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

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2 Evidence

3 Successful applications

4 Issue of full certificate after interim certificate: applicant married

5 Applications by both civil partners

6 Errors in certificates

7 Applications: supplementary
8 Appeals etc
9 Registration
10 Change in gender of party to marriage
11 Change in gender of civil partners
12 Foreign gender change and marriage
13 Prohibition on disclosure of information
14 Interpretation

PART 2 — ALTERNATIVE GROUNDS FOR GRANTING APPLICATIONS FOR
GENDER RECOGNITION CERTIFICATES

15 Introduction
16 Alternative grounds for granting applications
17 After section 3 insert — Alternative grounds for granting applications
   (1) This section applies to an application under section 1(1)(a)...
18 Evidence for granting applications on alternative grounds
19 After section 3A (inserted by paragraph 17) insert — Evidence for...
20 Membership of Panels determining applications on alternative grounds

SCHEDULE 6 — Marriage overseas
   PART 1 — CONSULAR MARRIAGE UNDER UK LAW
   1 Provision for consular marriage
   2 Refusal by registration officer
   3 No religious service
   4 Treatment of marriage as taking place in part of UK for certain purposes
   5 Validity of consular marriage
   6 Interpretation
   PART 2 — MARRIAGE UNDER FOREIGN LAW: CERTIFICATES OF NO
   IMPEDIMENT
   7 Provision for certificates of no impediment
   PART 3 — MARRIAGE OF FORCES PERSONNEL UNDER UK LAW
   8 Provision for marriage of armed forces personnel
   9 Religious services at forces marriages of same sex couples
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   PART 4 — GENERAL PROVISIONS
   13 Parliamentary scrutiny
   14 Particular kinds of provision
   15 Interpretation

SCHEDULE 7 — Transitional and consequential provision etc
   PART 1 — TRANSITIONAL AND TRANSITORY PROVISION
   1 Approval of premises for civil weddings
   PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS
   2 Marriage Act 1949 (c. 76)
   3 Section 3 (marriages of persons under 18), subsection (1): after...
   4 (1) Section 25 (void marriages) is amended as follows.
   5 Section 27A (additional information required in certain cases),
      subsection (1):...
   6 After section 27C insert — Additional information required for certain
      marriages...
   7 (1) Section 28A (power to require evidence) is amended in...
   8 (1) Section 41 (registration of buildings) is amended in accordance...
   9 (1) Section 42 (cancellation of registration and substitution of another...
(1) Section 43 (appointment of authorised persons) is amended in...

Section 44 (solemnization of marriage in registered building),
subsection (2)(b):...

Section 45A (solemnization of certain marriages), subsection (1): after “section...

(1) Section 46 (register office marriage followed by religious
ceremony)... 

Section 48 (proof of certain matters not necessary to validity...

After section 49 insert— Void marriages: additional provision about same...

Section 53, paragraph (c): for the words from “religion” to...

Section 69 (licensing of chapels for marriages according to rites...

Section 70 (registration of chapels for marriages otherwise than according...

(1) Section 75 (offences relating to solemnization of marriages) is...

(1) Section 78 (interpretation) is amended in accordance with this...

(1) Schedule 4 (provisions of Act which are excluded or...

Marriage (Registrar General’s Licence) Act 1970

Section 1 (marriages which may be solemnized by Registrar General’s...

Section 2 (notice of marriage), after subsection (3) insert—

After section 13 insert— Void marriages: additional provision about same...

Matrimonial Causes Act 1973 (c. 18)

Section 11 (grounds on which a marriage is void): omit...

Public Order Act 1986 (c. 64)

Social Security Contributions and Benefits Act 1992 (c. 4)

Section 48 (use of former spouse’s or civil partner’s contributions):...

Pension Schemes Act 1993 (c. 48)

Section 99 (trustees’ duties after exercise of option), subsection (3)(b):...

Civil Partnership Act 2004 (c. 33)

Section 1 (civil partnership), subsection (3)— (a) after “only” insert—

Section 4 (parental etc consent where proposed civil partner under...

Section 210 (registration at British consulates etc), subsection (6),
paragraph...

Human Fertilisation and Embryology Act 2008 (c. 22)

(1) Section 35 (woman married at time of treatment) is...

Section 40 (embryo transferred after death of husband etc who...

(1) Section 42 (woman in civil partnership at time of...

(1) Section 46 (embryo transferred after death of civil partner... 

Equality Act 2010 (c. 15)

(1) Section 23 (comparison by reference to circumstances) is amended...

Schedule 3 (services and public functions: exceptions): for the title...

Schedule 9 (work: exceptions), Part 1 (occupational requirements),
paragraph 2...