

# **MARRIAGE (SAME SEX COUPLES) ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS AND SCHEDULES**

#### **Part 5 of the Marriage Act 1949**

#### **The Marriage (Registrar General's Licence) Act 1970**

#### ***Section 7 – Opt-in: “deathbed marriages”***

52. **Section 7** amends section 1 of the Marriage (Registrar General's Licence) Act 1970 so that the Registrar General can only authorise a religious marriage ceremony of a same sex couple if the relevant governing authority has consented to marriages of same sex couples. The circumstances in which the Registrar General may authorise a marriage are where one of the couple is seriously ill, for example in a hospital or at home, is not expected to recover and cannot be moved. Marriages according to the rites of the Church of England or the Church in Wales cannot be authorised under section 1 of the Marriage (Registrar General's Licence) Act 1970 so these provisions do not apply to the Church of England or Church in Wales. This section will allow same sex couples to have “deathbed marriages” according to the rites of religious organisations which have opted in to the solemnization of marriages of same sex couples. Civil marriage ceremonies of same sex couples do not require the consent of any governing authority and so can proceed under section 1 of the Marriage (Registrar General's Licence) Act 1970.