

MARRIAGE (SAME SEX COUPLES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Schedule 2 – Extra-territorial matters

Part 2 – Marriage treated as civil partnership: dissolution, annulment or separation

100. [Paragraph 4](#) provides that where a marriage of a same sex couple is treated as a civil partnership in Scotland or in Northern Ireland and the civil partnership is subsequently dissolved or annulled or an order is made for the separation of the civil partners, then the marriage itself will also automatically be ended or the parties will have a judicial separation under the law of England and Wales.

Example

- A same sex couple gets married in London and later moves to Edinburgh. Their relationship will be treated as a civil partnership in Scotland. If their civil partnership was subsequently dissolved by a court in Scotland, the effect of such an order will be recognised under the law of England and Wales as if the couple had divorced – their marriage will be ended. They do not have to return to England and Wales in order for this to happen.