



# Marriage (Same Sex Couples) Act 2013

## 2013 CHAPTER 30

### PART 1

#### MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

##### *Part 3 of the Marriage Act 1949*

### 3 Marriage for which no opt-in necessary

In Part 3 of the Marriage Act 1949, for section 26 substitute—

**“26 Marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary**

(1) The following marriages may be solemnized on the authority of two certificates of a superintendent registrar—

- “(a) a marriage of a man and a woman, in a building registered under section 41, according to such form and ceremony as the persons to be married see fit to adopt;
- (b) a marriage of any couple in the office of a superintendent registrar;
- (bb) a marriage of any couple on approved premises;
- (c) a marriage of a man and a woman according to the usages of the Society of Friends (commonly called Quakers);
- (d) a marriage between a man and a woman professing the Jewish religion according to the usages of the Jews;
- (dd) a qualifying residential marriage;
- (e) a marriage of a man and a woman according to the rites of the Church of England in any church or chapel in which banns of matrimony may be published.”

(2) In this section “qualifying residential marriage” means—

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*Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Cross Heading: Part 3 of the Marriage Act 1949. (See end of Document for details)*

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- (a) the marriage of a man and a woman (other than a marriage in pursuance of subsection (1)(c) or (d) above), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons, or
- (b) the marriage of a same sex couple (other than a marriage according to the rites of the Church of England or other religious rites or usages), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons.”.

**Commencement Information**

**II** S. 3 in force at 13.3.2014 by S.I. 2014/93, art. 3(a)

**4 Opt-in: marriage in places of worship**

(1) After section 26 of the Marriage Act 1949 insert—

**“26A Opt-in to marriage of same sex couples: places of worship**

- (1) A marriage of a same sex couple in an appropriately registered building according to such form and ceremony as the persons to be married see fit to adopt may be solemnized on the authority of two certificates of a superintendent registrar.
- (2) For the purposes of this section “appropriately registered building” means a building which has been registered under section 43A.
- (3) An application for registration of a building under section 43A may not be made unless the relevant governing authority has given written consent to marriages of same sex couples.
- (4) For that purpose, in relation to a building—
  - “relevant governing authority” means 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;
  - “relevant religious organisation” means the religious organisation for whose religious purposes the building is used.
- (5) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the rites of the Church of England.
- (6) This section is subject (in particular) to sections 44A to 44C (registration of shared buildings for marriage of same sex couples) and regulations made under any of those sections.”.

(2) Schedule 1 (registration of buildings etc) has effect.

**Commencement Information**

**I2** S. 4 in force at 31.10.2013 for specified purposes by S.I. 2013/2789, art. 2(a)

**I3** S. 4 in force at 13.3.2014 in so far as not already in force by S.I. 2014/93, art. 3(b)

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## 5 Opt-in: other religious ceremonies

After section 26A of the Marriage Act 1949 insert—

### “26B Opt-in to marriage of same sex couples: other religious ceremonies

- (1) A marriage may, in any of the following cases, be solemnized on the authority of two certificates of a superintendent registrar.
- (2) Case A is where—
  - (a) the marriage is of a same sex couple according to the usages of the Society of Friends (commonly called Quakers), and
  - (b) the relevant governing authority has given written consent to such marriages of same sex couples.
- (3) For that purpose “relevant governing authority” means the recording clerk for the time being of the Society of Friends in London.
- (4) Case B is where—
  - (a) the marriage is of a same sex couple professing the Jewish religion according to the usages of the Jews, and
  - (b) the relevant governing authority has given written consent to such marriages of same sex couples.
- (5) For that purpose the meaning of “relevant governing authority” is to be determined in accordance with this table—

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<i>The “relevant governing authority” is...</i>	<i>...if the marriage falls to be registered by...</i>
the Chief Rabbi of the United Hebrew Congregations of the Commonwealth	the secretary of a synagogue certified under paragraph (a) of the relevant definition (certification by the President of the Board of Deputies)
the person or persons duly recognised by the members of— <ol style="list-style-type: none"><li>(i) the West London Synagogue of British Jews (“the West London Synagogue”), and</li><li>(ii) the other synagogues that are constituents of or affiliated to the Movement for Reform Judaism</li></ol>	— either the secretary of the West London Synagogue, as certified under paragraph (b) of the relevant definition — or the secretary of another synagogue in a case where: <ol style="list-style-type: none"><li>(i) the secretary is certified under paragraph (d) of the relevant definition by the secretary of the West London Synagogue, and</li><li>(ii) the synagogue is one of those which are constituents of or affiliated to the Movement for Reform Judaism</li></ol>
the person or persons duly recognised by the members of— <ol style="list-style-type: none"><li>(i) the Liberal Jewish Synagogue, St. John's Wood (“the St. John's Wood Synagogue”), and</li></ol>	— either the secretary of the St. John's Wood Synagogue, as certified under paragraph (c) of the relevant definition — or the secretary of another synagogue in a case where: <ol style="list-style-type: none"><li>(i) the secretary is certified under paragraph (d) of the relevant</li></ol>

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| <p>(ii) the other synagogues that are constituents of or affiliated to Liberal Judaism</p>  | <p>definition by the secretary of the St. John's Wood Synagogue, and</p> <p>(ii) the synagogue is one of those which are constituents of or affiliated to Liberal Judaism</p>   |
| <p>the person or persons duly recognised by the members of the synagogue by whose secretary the marriage falls to be registered</p> | <p>the secretary of a synagogue certified under paragraph (d) of the relevant definition (certification by the secretary of the West London Synagogue or the secretary of the St. John's Wood Synagogue) in a case where the synagogue is not one of those which are constituents of or affiliated to:</p> <p style="margin-left: 20px;">(i) the Movement for Reform Judaism, or</p> <p style="margin-left: 20px;">(ii) Liberal Judaism</p> |
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In that table—

- (a) “relevant definition” means the definition of “secretary of a synagogue” in section 67;
- (b) a reference to a person or persons being duly recognised is a reference to the person or persons being recognised for the purpose of giving consent for the purposes of this section.

(6) Case C is where—

- (a) the marriage is of a same sex couple according to religious rites or usages (other than the rites of the Church of England),
- (b) one or each of the couple is house-bound or a detained person,
- (c) the marriage is at the usual place of residence of the house-bound or detained person or persons, and
- (d) the relevant governing authority has given written consent to marriages of same sex couples according to those religious rites or usages.

(7) For that purpose—

“relevant governing authority” means 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;

“relevant religious organisation” means the religious organisation according to whose rites or usages the marriage is to be solemnized.

(8) Subsection (6) does not authorise a marriage that may be solemnized under subsection (2) or (4).”.

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**Commencement Information**

**I4** S. 5 in force at 13.3.2014 by S.I. 2014/93, art. 3(c)

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Cross Heading: Part 3 of the Marriage Act 1949.