

*Status: Point in time view as at 31/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 4

#### REGISTRATION OF BUILDINGS ETC

##### *Introduction*

1 Part 3 of the Marriage Act 1949 is amended in accordance with this Schedule.

##### **Commencement Information**

**II** Sch. 1 para. 1 in force at 31.10.2013 for specified purposes by S.I. 2013/2789, art. 2(a)

##### *Registration of buildings*

2 After section 43 insert—

##### **“43A Registration of buildings: marriage of same sex couples**

- (1) A building that has been certified as required by law as a place of religious worship may be registered under this section for the solemnization of marriages of same sex couples.
- (2) Any application for registration of a building under this section is to be made—
  - (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) An application for registration of a building under this section must be accompanied by—
  - (a) a certificate, given by the applicant and dated not earlier than one month before the making of the application, that the persons who are the relevant governing authority in relation to the building have given written consent to marriages of same sex couples as mentioned in section 26A(3),
  - (b) a copy of that consent, and
  - (c) if the building is not already registered under section 41, a certificate of use for religious worship.
- (4) The superintendent registrar must send to the Registrar General—
  - (a) the certificate or certificates, and
  - (b) the copy of the consent,which accompany an application under this section.
- (5) The Registrar General must then register the building.

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- (6) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.
- (7) In this section, in relation to an application under this section, “certificate of use for religious worship” means a certificate given by at least twenty householders and dated not earlier than one month before the making of the application, stating that they—
  - (a) use the building as their usual place of public religious worship, and
  - (b) wish the building to be registered under this section.

#### **43B Buildings registered under section 43A: appointment of authorised persons**

- (1) For the purpose of enabling marriages to be solemnized in a building registered under section 43A without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building.
- (2) Where a person is so authorised in respect of any building registered under section 43A, the trustees or governing body of that building must certify the name and address of the person so authorised to—
  - (a) the Registrar General, and
  - (b) the superintendent registrar of the registration district in which the building is situated.
- (3) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 43A, the power may accordingly be exercised immediately).
- (4) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 43A (the “new registration”).
- (5) But if—
  - (a) there is any earlier registration of the building under section 41 which is still in force at the date of the new registration, or
  - (b) there has been any earlier qualifying registration of a previous building,
 the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).
- (6) For that purpose there is a qualifying registration of a previous building if—
  - (a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,
  - (b) that building was registered under section 41 or 43A, and
  - (c) that registration was cancelled not more than one month before the date of the new registration.
- (7) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a same sex couple.

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- (8) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

#### **43C Cancellation of registration under section 43A**

- (1) The registration of a building under section 43A may be cancelled under this section.
- (2) Any application under this section is to be made—
- (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) The superintendent registrar must forward any application under this section to the Registrar General; and the Registrar General must then cancel the registration of the building.
- (4) 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.

#### **43D Regulations about sections 41 and 43 and 43A to 43C**

- (1) The Secretary of State may by statutory instrument make regulations about the procedures to be followed and the fees payable—
- (a) on registration applications;
  - (b) in relation to section 43B authorisations;
  - (c) on cancellation applications.
- (2) The Secretary of State may by statutory instrument make—
- (a) regulations modifying the application of section 41 or 43 in relation to buildings that are already registered under section 43A;
  - (b) regulations about cases where a person makes applications under sections 41 and 43A, or gives or certifies authorisations under sections 43 and 43B, in respect of the same building at the same time (including provision modifying any requirement imposed by any of those sections or by regulations under subsection (1) of this section).
- (3) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section—
- “cancellation application” means an application under section 43C for the cancellation of the registration of a building;
- “registration application” means an application under section 43A for the registration of a building;
- “section 43B authorisation” means the authorisation of a person under section 43B to be present at the solemnization of marriages in a building registered under section 43A.”

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#### Commencement Information

**I2** Sch. 1 para. 2 in force at 31.10.2013 for specified purposes by S.I. 2013/2789, art. 2(a)

#### *Shared buildings*

3 After section 44 insert—

*“Registration of shared buildings for marriage of same sex couples*

#### **44A Building subject to Sharing of Church Buildings Act 1969: registration**

- (1) This section applies to a registration application relating to a building that is—
  - (a) subject to a sharing agreement, or
  - (b) used as mentioned in section 6(4) of the 1969 Act.
- (2) The registration application must be made in accordance with section 43A (as read with section 26A(3)).
- (3) But those provisions have effect subject to the following provisions of this section.
- (4) Each of the sharing churches is a relevant religious organisation for the purposes of section 26A(3).
- (5) A consent given under section 26A(3) (a “consent to marriages of same sex couples”) by the relevant governing authority of any of the sharing churches is therefore sufficient for the registration application to be made in compliance with section 26A(3) (and references to the consent of the relevant governing authority in section 43A are to be read accordingly).
- (6) But the registration application may not be made unless the relevant governing authorities of each of the sharing churches (other than those which have given consents to marriages of same sex couples) have given a separate written consent to the use of the shared building for the solemnization of marriages of same sex couples (a “consent to use”).
- (7) The registration application must also be accompanied by—
  - (a) a certificate, given by the applicant and dated not more than one month before the making of the application, that the relevant governing authorities mentioned in subsection (6) have given written consents to use, and
  - (b) copies of those consents.
- (8) The superintendent registrar must also send to the Registrar General—
  - (a) the certificate, and
  - (b) the copies of the consents,
 which accompany the application in accordance with subsection (7).
- (9) The Registrar General must not register the shared building unless and until subsection (8) and the requirements of section 43A have been complied with.

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- (10) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

#### **44B Building subject to Sharing of Church Buildings Act 1969: cancellation**

- (1) This section applies to a cancellation application relating to a building that is—
- (a) subject to a sharing agreement, or
  - (b) used as mentioned in section 6(4) of the 1969 Act.
- (2) The cancellation application must be made in accordance with section 43C.
- (3) But section 43C has effect subject to the following provisions of this section.
- (4) The cancellation application may be made either—
- (a) by a proprietor or trustee of the building, or
  - (b) by the relevant governing authority of any of the sharing churches.
- (5) For that purpose, in relation to a sharing church, “relevant governing authority” means the person or persons recognised by the members of the sharing church as competent for the purpose of making an application under section 43C in the circumstances to which this section applies.
- (6) In a case where the cancellation application is made by a relevant governing authority in accordance with subsection (4)(b)—
- (a) the application must be accompanied by a certificate, given by persons making the application, that they are the relevant governing authority of one of the sharing churches; and
  - (b) the superintendent registrar must (in addition to forwarding the application in accordance with section 43C(3)) send a copy of that certificate to the Registrar General.
- (7) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

#### **44C Other shared places of worship: registration and cancellation**

- (1) The Secretary of State may by statutory instrument make regulations about—
- (a) registration applications relating to other shared places of worship;
  - (b) cancellation applications relating to other shared places of worship;
  - (c) the sharing churches' use of other shared places of worship (in cases where those places are registered under section 43A) for the solemnization of marriages of same sex couples.
- (2) The provision that may be made under subsection (1)(a) or (b) includes provision about the procedures to be followed on registration applications or cancellation applications.
- (3) In this section “other shared place of worship” means a shared building—

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- (a) which has been certified as required by law as a place of religious worship, but
- (b) to which sections 44A and 44B do not apply because the building is neither—
  - (i) subject to a sharing agreement, nor
  - (ii) used as mentioned in section 6(4) of the 1969 Act.

#### **44D Sections 44A to 44C: supplementary provision**

- (1) In sections 44A to 44C (and this section)—
  - “1969 Act” means the Sharing of Church Buildings Act 1969;
  - “cancellation application” means an application under section 43C for the cancellation of the registration of a building;
  - “registration application” means an application under section 43A for the registration of a building;
  - “sharing agreement” has the meaning given in section 1 of the 1969 Act;
  - “shared building” means a building that is—
    - (a) subject to a sharing agreement,
    - (b) used as mentioned in section 6(4) of the 1969 Act, or
    - (c) otherwise shared;
  - “shared building provisions” means sections 44A to 44C;
  - “sharing churches” means—
    - (a) in the case of a building subject to a sharing agreement, the churches that have made the agreement;
    - (b) in the case of a building used as mentioned in section 6(4) of the 1969 Act, the churches that so use it;
    - (c) in the case of any other shared building, the religious organisations (whether Christian or of another faith) that share it.
- (2) Regulations under any of the shared building provisions may provide for a registration application relating to a shared building to be made otherwise than by the proprietor or trustee of the building (whether or not the proprietor or trustee retains power to make such an application).
- (3) Regulations under any of the shared building provisions may make provision about any of these cases—
  - (a) the case where a building registered under section 43A becomes a shared building;
  - (b) the case where a building registered under section 43A ceases to be a shared building;
  - (c) the case where a building is registered under section 43A and there is a change in the churches which are sharing churches;
 and the provision that may be made about such a case includes provision for the modification, suspension or cancellation of the registration under section 43A.
- (4) Regulations under any of the shared building provisions may make provision about the use of shared buildings for the solemnization of—

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- (a) marriages of same sex couples according to the usages of the Society of Friends (commonly called Quakers), and
  - (b) marriages of same sex couples professing the Jewish religion according to the usages of the Jews.
- (5) The provision that may be made about the use of shared buildings for the solemnization of such marriages includes—
- (a) provision about the giving of consent by the relevant governing authority for the purposes of a registration application or cancellation application (including provision for identifying the relevant governing authority);
  - (b) provision corresponding to, or applying, any provision of section 43B (with or without modifications).
- (6) Regulations under any of the shared buildings provisions may amend any England and Wales legislation.
- (7) Subsections (2) to (6) do not limit the power under any of the shared building provisions to make regulations.
- (8) A statutory instrument containing regulations under any of the shared building provisions may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”.

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**Commencement Information**

**I3** Sch. 1 para. 3 in force at 31.10.2013 for specified purposes by S.I. 2013/2789, art. 2(a)

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