SCHEDULE 2

AMENDMENT OF THE MARRIAGE ACT 1949

**1.** In the Marriage Act 1949(**1**), after section 39 insert—

"**Marriage of former civil partners one of whom has changed sex**

**39A.**—(1) This section applies if—

(a) a court—

(i) makes final a nullity order which annuls a civil partnership on the ground that an interim gender recognition certificate has been issued to one of the civil partners, or

(ii) (in Scotland) grants a decree of dissolution of a civil partnership on that ground,

and, on doing so, issues a full gender recognition certificate (under section 5A(1) of the Gender Recognition Act 2004(**2**)) to that civil partner, and

(b) the former civil partners wish to marry each other in England or Wales in accordance with this Part without being delayed by the waiting period.

(2) For the purposes of this section the relevant period is the period—

(a) beginning with the issue of the full gender recognition certificate, and

(b) ending at the end of 1 month from the day on which it is issued.

(3) If either of the former civil partners —

(a) gives notice of marriage in accordance with this Part during the relevant period, and

(b) on doing so, makes an election under this section,

this Act applies with the modifications set out in subsections (4) to (6).

(4) In section 31 (marriage under certificates)—

(a) omit subsections (1), (4), (4A) and (5A) to (5I), and

(b) in subsection (2), for "At the expiration of the said period of 15 days", substitute "As soon as notice of marriage has been given,".

(5) For section 33(3) (period of validity of certificate: applicable period) substitute —

"(3) The applicable period, in relation to a marriage, is the period of 1 month beginning with the day on which the notice of marriage was entered in the marriage notice book."

(6) In section 75 (offences relating to solemnization of marriages), omit subsections (2)(d), (2A) and (3)(a).

(7) Where one of the former civil partners is residing in Scotland—

(a) this section applies as if subsection (3) referred to the giving of notice and the making of an election by the former civil partner residing in England or Wales, and

(b) section 37(d) does not apply.

(8) In subsection (1)(b), "the waiting period" has the meaning given by section 31(4A)."

(**1**) ()1949 c. 76; Part 3 and section 75 were amended by the Immigration and Asylum Act 1999 (c. 33), sections 160 to 163 and Schedule 14.

(**2**) 2004 c. 7; Section 5A was inserted by section 250 (1) and (4) of the Civil Partnership Act 2004.