

Extension of Marriage to Same-Sex Couples Bill 2012 [HC]

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TO

Make provision for and in connection with extending the legal form of marriage to same-sex couples in England and Wales.

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Make provision for and in connection with extending the legal form of marriage to same-sex couples in England and Wales.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -

1 Marriage between persons of the same sex

- (1) Amend the Matrimonial Causes Act 1973 as follows.
- (2) In section 2 (Supplemental provisions as to facts raising presumption of breakdown), in subsection (6) for "a husband and wife" substitute "parties to a marriage".
- (3) In section 11 (Grounds on which a marriage is void), in subsection (b) after "lawfully married or a civil partner" insert "subject to subsection (e)".
- (4) In section 11 (Grounds on which a marriage is void) omit subsection (c).
- (5) In section 11 (Grounds on which a marriage is void), after subsection (d) insert -
 - "(e) Nothing in subsection (b) prohibits parties to a valid civil partnership from registering that civil partnership as a marriage under section 55A of the Marriage Act 1949".
- (6) In section 12 (Grounds on which a marriage is voidable), in subsection (f) after "by some person other than the petitioner." add "This applies other than in circumstances where both parties to a marriage have consented to donor conception".

2 Marriage in religious premises

- (1) For the avoidance of doubt nothing in this or any other Act places an obligation on any religious organisation or clergy to conduct, solemnise or host marriage ceremonies between two people of the same sex if they do not wish to do so.

3 Marriage according to Rites of the Church of England and the Church in Wales

- (1) Amend the Marriage Act 1949 as follows.
- (2) After section 5B insert–

“5C Marriages involving persons of the same sex

- (1) A clergyman is not obliged to solemnise a marriage between two persons of the same sex.
- (2) A clerk in Holy Orders of the Church in Wales is not obliged to permit a marriage between two persons of the same sex.”

4 Conversion of existing Civil Partnerships

- (1) Amend the Marriage Act 1949 as follows.
After section 55 insert –

“55A Conversion of existing Civil Partnership

- (1) The Registrar General must provide a system for parties to a valid civil partnership to have their civil partnership registered as a marriage where both parties to the civil partnership consent.
- (2) No person converting the registration of a valid civil partnership to a registration of a marriage will be committing an offence under section 75, subsection 3 of the Marriage Act 1949.
- (3) For the purposes of this section the possession of a valid civil partnership certificate shall be considered as a declaration having been made as required by section 44, subsections 3 and 3(A) of the Marriage Act 1949.
- (4) No marriage registered by the process listed in this section shall be considered voided by Section 49, subsection (a) of the Marriage Act 1949.
- (5) The Registrar General must provide a system for keeping any records of civil partnerships which have been registered as marriages.”

5 Power to make further provision in connection with Extension of Marriage to Same-Sex Couples

- (1) A Minister of the Crown may by order make such further provision (including supplementary, incidental, consequential, transitory, transitional or saving provision) as he considers appropriate –
 - (a) For the general purposes, or any particular purpose, of this Act,
 - (b) In consequence of any provision made by or under this Act, or
 - (c) For giving full effect to this Act or any provision of it.
- (2) The power conferred by subsection (1) is also exercisable by the National Assembly for Wales in relation to a provision which deals with a devolved matter.