

MARRIAGE (SAME SEX COUPLES) BILL – A SHORT GUIDE

Following a 2012 consultation, the Marriage (Same Sex Couples) Bill will allow same-sex couples to marry, either in a civil ceremony (in a register office or on approved premises, such as hotels) or, where the religious organisation's governing body chooses to opt in, on religious premises or with a religious ceremony.

The Government has been clear that it would not introduce legislation unless there was absolute protection for religious belief, recognising and respecting the very important role that faith plays in society. This Bill will provide protection for any religious organisation, or individual minister of religion that chooses not to conduct marriage ceremonies for same-sex couples. Article 9 of the European Convention on Human Rights guarantees the right to freedom of religion and the Bill protects and promotes religious freedom through the Government's 'quadruple lock'.

Summary of what the Bill does

The Marriage (Same Sex Couples) Bill:

- enables same-sex couples to marry in civil ceremonies;
- ensures those religious organisations that wish to do so can opt-in to conduct marriage ceremonies for same-sex couples;
- protects those religious organisations that do not wish to marry same-sex couples from successful legal challenge;
- enables civil partners to convert their partnership to a marriage, if they wish; and
- enables individuals to change their legal gender without having to end their marriage.

Detail of the Bill - The Bill consists of 18 clauses and 7 Schedules arranged as follows:

Part 1 – Marriage of same sex couples in England and Wales

Clause 1 makes it lawful for same sex couples to marry. It ensures that the legal duty of clergy of the Church of England and the Church in Wales to marry parishioners does not extend to same sex couples. It allows same sex civil marriage ceremonies to be carried out in register offices and on approved premises (such as hotels), and marriages of same sex couples in religious buildings (other than those used by the Church of England and Church in Wales), and in accordance with the Jewish and Quaker faiths and for overseas consular and armed forces marriages.

Clause 2 protects individuals and organisations that do not choose to conduct or participate in a religious same sex marriage ceremony. It also ensures that it is not unlawful discrimination under the Equality Act 2010 for a religious organisation or individual minister to refuse to marry a same sex couple.

Clause 3 allows for civil marriage ceremonies for all couples in register offices and on approved premises, and for those who are house-bound or detained.

Clause 4 with Schedule 1 allows religious marriage ceremonies of same sex couples where the governing body of the relevant religious organisation has chosen to opt in. It provides a process for the registration of places of worship so that same sex marriages can take place there, including where buildings are shared between religious organisations. It also sets out the process for appointing people authorised to attend such marriages.

Clause 5 sets out the 'opt-in' process for religious same sex marriage ceremonies in three circumstances: in accordance with the practices of the Quakers; in a religious ceremony of the Jewish religion; and through a religious ceremony of any religion other than the Church of England or the Church in Wales for house-bound or detained same sex couples.

Clause 6 allows for religious same sex marriage ceremonies in military (naval, military and air force) chapels. The procedure for registering these chapels will be set out in secondary legislation.

Clause 7 allows the Registrar General to authorise a religious marriage of a same sex couple where one of the couple is seriously ill, where the governing body of the relevant religious organisation has consented to marriages of same sex couples.

Clause 8 enables the Lord Chancellor to make an Order allowing the Church in Wales to marry same sex couples according to its rites, if the Church in Wales resolves to do so at some future time.

Clause 9 allows civil partners whose partnerships were registered in England and Wales to have them converted into a marriage.

Clause 10 with Schedule 2 allows for new or existing marriages of same sex couples entered into outside England and Wales to be recognised as marriages here. It also deals with how marriages of same sex couples entered into in England and Wales will be treated in Scotland and Northern Ireland.

Clause 11 with Schedules 3 and 4 provides an 'equivalence' rule that new and existing legislation referring to marriage will be interpreted as applying equally to same sex and opposite sex couples. This rule can be over-ridden by contrary provisions in the Bill where necessary.

Part 2 – Other provisions relating to marriage and civil partnership

Clause 12 with Schedule 5 enables a person in a marriage with someone of the opposite sex to preserve their marriage (if they both wish) when one of them changes their legal gender.

Clause 13 with Schedule 6 enables same sex couples to get married in overseas consulates and on armed forces bases overseas.

Part 3 – Final provisions

Clause 14 with Schedule 7 gives the Secretary of State powers to make orders facilitating the transition between the current arrangements and the new arrangements.

Clause 15 sets out the powers to make secondary legislation which have been delegated to Ministers, along with the parliamentary procedures when certain powers are exercised.

Clause 16 sets out how certain terms used in the Bill are to be interpreted.

Clause 17 sets out the territorial extent and application of the Bill's provisions. Generally, the Bill affects England and Wales only, except for certain circumstances when it affects Scotland and Northern Ireland.

Clause 18 gives the Bill's title and enables it to be brought into force by Orders made by the Secretary of State.

More detail on the Bill can be found in the Explanatory Notes on the parliamentary website <http://www.parliament.uk/business/bills-and-legislation/>