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

SCHEDULES

SCHEDULE 2

EXTRA-TERRITORIAL MATTERS

PART 1

ENGLISH AND WELSH MARRIAGES OF SAME SEX COUPLES: TREATMENT IN SCOTLAND AND NORTHERN IRELAND

Scotland

- 1 (1) The Secretary of State may, by order, provide that, under the law of Scotland, a marriage of a same sex couple under the law of England and Wales is to be treated as a civil partnership formed under the law of England and Wales (and that, accordingly, the spouses are to be treated as civil partners).
- (2) The Secretary of State may by order—
- (a) provide for the treatment of a marriage as a civil partnership (by virtue of an order under sub-paragraph (1)) to have effect subject to provision made by the order;
 - (b) specify cases in which a marriage is not to be treated as a civil partnership by virtue of an order under sub-paragraph (1).
- (3) The power conferred by sub-paragraph (1) may only be exercised if marriage of same sex couples is not lawful under the law of Scotland.
- (4) If marriage of same sex couples becomes lawful under the law of Scotland, that does not—
- (a) affect the validity of any order made under this paragraph; or
 - (b) prevent the revocation of any such order (with or without transitional, transitory or saving provision being made) using the powers conferred by this paragraph.

Commencement Information

II Sch. 2 para. 1 in force at 31.10.2013 by S.I. 2013/2789, art. 3(d)

Northern Ireland

- 2 (1) Under the law of Northern Ireland, a marriage of a same sex couple under the law of England and Wales is to be treated as a civil partnership formed under the law of England and Wales (and accordingly, the spouses are to be treated as civil partners).
- [^{F1}(1A) Sub-paragraph (1) does not apply on or after 13th January 2020 except for the purposes of proceedings commenced before that date under Chapter 2 of Part 4,

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or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in Northern Ireland in respect of civil partnerships, and property disputes between civil partners).]

- (2) The Secretary of State may by order—
- (a) provide for the treatment of a marriage as a civil partnership (by virtue of sub-paragraph (1)) to have effect subject to provision made by the order;
 - (b) specify cases in which a marriage is not to be treated as a civil partnership by virtue of sub-paragraph (1).

Textual Amendments

- F1** Sch. 2 para. 2(1A) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **10(3)(a)** (with regs. 6-9, 10(4))

Commencement Information

- I2** Sch. 2 para. 2(1) in force at 13.3.2014 by [S.I. 2014/93](#), **art. 3(h)**
I3 Sch. 2 para. 2(2) in force at 31.10.2013 by [S.I. 2013/2789](#), **art. 3(d)**

Contrary provision

- 3 (1) The treatment of a marriage as a civil partnership by virtue of an order under paragraph 1(1), or by virtue of paragraph 2, is subject to—
- (a) any order made under paragraph 1(2) or 2(2), and
 - (b) any other contrary provision made by—
 - (i) the other provisions of this Act,
 - (ii) any other subordinate legislation made under this Act, and
 - (iii) any new UK legislation,
 including any such contrary provision contained in amendments of existing UK legislation.
- (2) In this paragraph—
- “existing UK legislation” means—
- (a) in the case of UK legislation that is primary legislation, legislation passed before the end of the Session in which this Act is passed (excluding this Act), or
 - (b) in the case of UK legislation that is subordinate legislation, legislation made on or before the day on which this Act is passed (excluding legislation made under this Act);
- “new UK legislation” means—
- (a) in the case of UK legislation that is primary legislation, legislation passed after the end of the Session in which this Act is passed, or
 - (b) in the case of UK legislation that is subordinate legislation, legislation made after the day on which this Act is passed.

Commencement Information

- I4** Sch. 2 para. 3 in force at 13.3.2014 by [S.I. 2014/93](#), **art. 3(h)**

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