
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 6

MARRIAGE OVERSEAS

PART 1

CONSULAR MARRIAGE UNDER UK LAW

Provision for consular marriage

- 1 (1) Her Majesty may by Order in Council make provision for two people to marry each other—
- (a) in prescribed countries or territories outside the United Kingdom, and
 - (b) in the presence of a registration officer,
- in cases where the officer is satisfied that the conditions in sub-paragraph (2) are met.
- (2) The conditions are that—
- (a) at least one of the people proposing to marry is a United Kingdom national,
 - (b) the people proposing to marry would have been eligible to marry each other in such part of the United Kingdom as is determined in accordance with the Order,
 - (c) the authorities of the country or territory in which it is proposed that they marry will not object to the marriage, and
 - (d) insufficient facilities exist for them to enter into a marriage under the law of that country or territory.
- [^{F1}(3) For the purposes of sub-paragraph (2)(b), two people who are in a qualifying civil partnership with each other are to be treated as not having been eligible to marry each other in Scotland.
- (4) In sub-paragraph (3) “qualifying civil partnership” has the meaning given by section 5(6) of the Marriage (Scotland) Act 1977.]

Textual Amendments

- F1** Sch. 6 para. 1(3)(4) inserted (27.1.2022) by The Civil Partnership (Scotland) Act 2020 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Modifications) Order 2022 (S.I. 2022/74), art. 1, Sch. 1 para. 4(2)

Commencement Information

- I1** Sch. 6 para. 1 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(i)
- I2** Sch. 6 para. 1 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

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Refusal by registration officer

- 2 (1) A registration officer is not required to allow two people to marry each other if the registration officer's opinion is that a marriage between them would be inconsistent with international law or the comity of nations.
- (2) An Order in Council under this Part of this Schedule may make provision for appeals against a refusal, in reliance on sub-paragraph (1), to allow two people to marry each other.

Commencement Information

- I3** Sch. 6 para. 2 in force at 21.1.2014 for specified purposes by [S.I. 2014/93, art. 2\(b\)\(i\)](#)
- I4** Sch. 6 para. 2 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93, art. 5\(c\)](#)

No religious service

- 3 No religious service is to be used at the solemnization of a consular marriage.

Commencement Information

- I5** Sch. 6 para. 3 in force at 3.6.2014 by [S.I. 2014/93, art. 5\(c\)](#)

Treatment of marriage as taking place in part of UK for certain purposes

- 4 An Order in Council under this Part of this Schedule may provide that two people who marry in a consular marriage are to be treated for prescribed purposes as if they had married in the relevant part of the United Kingdom.

Modifications etc. (not altering text)

- C1** Sch. 6 para. 4 extended (Northern Ireland) (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), [11\(2\)](#) (with regs. 6-9)

Commencement Information

- I6** Sch. 6 para. 4 in force at 21.1.2014 for specified purposes by [S.I. 2014/93, art. 2\(b\)\(ii\)](#)
- I7** Sch. 6 para. 4 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93, art. 5\(c\)](#)

Validity of consular marriage

- 5 A consular marriage is valid in law as if the marriage had been solemnized in the relevant part of the United Kingdom with a due observance of all forms required by the law of the relevant part of the United Kingdom.

Modifications etc. (not altering text)

- C2** Sch. 6 para. 5 extended (Northern Ireland) (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), [11\(2\)](#) (with regs. 6-9)

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Commencement Information

I8 Sch. 6 para. 5 in force at 3.6.2014 by [S.I. 2014/93](#), [art. 5\(c\)](#)

Interpretation

- 6 In this Part of this Schedule—
- “consular marriage” means a marriage solemnized in accordance with the provisions of this Part of this Schedule and any Order in Council made under it;
- “registration officer” means—
- (a) a consular officer in the service of Her Majesty's government in the United Kingdom, or
 - (b) in the case of registration in a country or territory in which Her Majesty's government in the United Kingdom has for the time being no consular representative, a person authorised by the Secretary of State in respect of the solemnization of marriages in that country or territory;
- “relevant part of the United Kingdom”, in relation to a consular marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) for the purposes of the marriage.

Commencement Information

I9 Sch. 6 para. 6 in force at 21.1.2014 for specified purposes by [S.I. 2014/93](#), [art. 2\(b\)\(iii\)](#)

I10 Sch. 6 para. 6 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93](#), [art. 5\(c\)](#)

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