

## SCHEDULE

### Consequential Amendments to Acts of Parliament

#### Marriage Act 1949

3.—(1) The Marriage Act 1949<sup>(1)</sup> is amended as follows.

(2) In section 45<sup>(2)</sup> (solemnization of marriage in register office), for “the last foregoing section” substitute “section 44”.

(3) In section 46<sup>(3)</sup> (register office marriage followed by religious ceremony)—

(a) in subsection (1), after “regular minister” insert “, or (in the case of the conversion of a civil partnership at a place of residence) at that place of residence,”,

(b) in subsection (1A)—

(i) omit ““relevant marriage” means”,

(ii) before paragraph (a) insert—

““place of residence”, in relation to the conversion of a civil partnership, means a place that a superintendent registrar attends for the purpose of the conversion because one of the parties to the civil partnership—

(a) is housebound there,

(b) is detained there as a patient in a hospital or in a prison or other place to which the Prison Act 1952<sup>(4)</sup> applies, or

(c) is (being a person who is seriously ill and not expected to recover) present there;

“relevant marriage” means—”,

(c) in subsection (1D), for the definition of “relevant governing authority” substitute—

““relevant governing authority” means—

(a) except in a case falling within paragraph (b) or (c), the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;

(b) in the case of a ceremony according to the usages of the Society of Friends, the recording clerk for the time being of the Society of Friends in London; and

(c) in the case of a ceremony according to the usages of the Jews, the person or persons who would be the relevant governing authority (in accordance with section 26B<sup>(5)</sup>)(<sup>(5)</sup> if the ceremony were a marriage that was to be registered in accordance with section 53(c)<sup>(6)</sup>,”

(d) in subsection (2)—

(i) for “any marriage previously solemnised in the presence of a superintendent registrar” substitute “the relevant marriage”, and

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(1) 1949 c. 76.

(2) Section 45 was amended by the Immigration and Asylum Act 1999 (c. 33), Schedule 14, paragraphs 3 and 24 and by the Marriage Ceremony (Prescribed Words) Act 1996 (c. 34), section 1(2).

(3) Section 46(1) was amended by, and section 46(1A) to (1D) was inserted by, the Act, Schedule 7, paragraph 13(1) to (3). Section 46(2) was amended by the Marriage Act 1983 (c. 32), Schedule 1, paragraph 12.

(4) 1952 c. 52.

(5) Section 26B was inserted by the Act, section 5.

(6) Section 53(c) was amended by the Act, Schedule 7, paragraphs 2 and 16. There are other amendments to section 53 not relevant to this Order.

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- (ii) after “Act” insert “or in the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section.”,
- (e) after subsection (3) insert—
  - “(4) In this section a reference to a church or chapel includes a reference to—
    - (a) a place of meeting for members of the Society of Friends;
    - (b) a Jewish synagogue; and
    - (c) a place of worship certified under the Places of Worship Registration Act 1855(7).
  - (5) Subsection (4) does not limit—
    - (a) the churches or persuasions to which this section applies; or
    - (b) the interpretation of this section in its application to a particular church or persuasion.
  - (6) In the case of a religious ceremony which follows the conversion of a civil partnership in a country or territory outside of the United Kingdom in accordance with provision made by regulations under section 9 of the Marriage (Same Sex Couples) Act 2013(8) in relation to—
    - (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006(9)) serving in the country or territory in which it is proposed they convert their civil partnership;
    - (b) a relevant civilian (as defined in Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under that Part) who is employed in that country or territory; or
    - (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party);

this section is to be read in accordance with subsection (7).

- (7) In a case to which subsection (6) applies—
  - (a) subsection (1) is to be read as if—
    - (i) the reference to a clergyman or minister (including a reference to a clergyman or minister of a particular church or persuasion) includes a reference to a chaplain serving in any of Her Majesty’s forces;
    - (ii) there is no reference to a superintendent registrar; and
    - (iii) the reference to the place of worship of which a person is a regular minister is a reference to the place where the conversion occurs (including any place of worship that is provided by the Secretary of State); and
  - (b) subsection (1C) is to be read as if it —
    - (i) requires the relevant governing authority’s written consent to the reading or celebrating of the marriage service to be given to the Secretary of State; and

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(7) 1855 c.81.  
(8) 2013 c. 30.  
(9) 2006 c. 52.

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(ii) additionally, requires the clergyman, minister or chaplain who is to read or celebrate the service to have the consent of the relevant governing authority to do so.”

(4) The validity of a consent given before the commencement of paragraph (3)(c) is not affected by the amendments of section 46(1D) made by that paragraph where the person or persons who gave the consent (or any successor or successors of that person or those persons) continue to be the relevant governing authority under section 46(1D) as so amended.