



House of Commons

Tuesday 5 March 2013

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

MARRIAGE (SAME SEX COUPLES) BILL

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [12 February].

Mr David Burrowes
Tim Loughton
Jim Shannon

26

Clause 2, page 4, line 13, at end insert—

“Marriage counselling etc.

- 25B (1) A person does not contravene section 29 only because the person conducts—
- (a) a marriage preparation course,
 - (b) a marriage counselling or guidance service, or
 - (c) an agency to help people find a spouse,
- and does not extend those services to marriages of same-sex couples.’.

Mr David Burrowes
Tim Loughton
Jim Shannon

27

Clause 2, page 4, line 13, at end insert—

‘Marriage according to religious rites: Opt-in and opt-out activity

- 25B (1) A person does not contravene section 29 only because the person—
- (a) refrains from undertaking an opt-in activity, or
 - (b) undertakes an opt-out activity.

Marriage (Same Sex Couples) Bill, *continued*

- (2) Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meaning in this paragraph as in that section.’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

28

Clause 2, page 4, line 13, at end insert—

‘Religious premises: Trustees

- 25B (1) A person who is the trustee of a trust for the advancement of religion does not contravene section 29 only because he refuses to consent to premises owned or controlled by the trust being used for marriages of same sex couples.’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

29

Clause 2, page 4, line 13, at end insert—

- ‘(6) For the purposes of section 149 of the Equality Act 2010, no regard may be had by any public authority to any decision by a relevant governing authority or relevant religious organisation to give any consent or to refuse to give any consent provided for in sections 2, 4, 5, or 7 of this Act’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

52

Clause 3, page 4, line 24, leave out ‘marriage’ and insert ‘union’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

53

Clause 3, page 4, line 26, leave out ‘marriage’ and insert ‘union’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

54

Clause 3, page 4, line 41, leave out ‘marriage’ and insert ‘union’.

Marriage (Same Sex Couples) Bill, *continued*

Mr David Burrowes
 Tim Loughton
 Jim Shannon

51

Clause 4, page 5, line 21, at end insert—

“recognised” means recognised according to the ordinary customs and usage of the organisation. In the event of a dispute between the members over which person or persons are recognised for the purpose of giving consent for the purposes of this section, the Secretary of State shall consult all members of the relevant religious organisation to determine which person or persons are recognised. This shall include power to order a ballot of members in which a quorum of 66 per cent. shall be required and recognition shall be determined by a majority vote.

“members” means those whose names have appeared on a formal membership roll kept by the relevant religious organisation for a period of at least 12 months prior to written consent being given. If no such roll is kept, then the members shall be deemed to be those who have attended worship at the place of worship for a majority of services of worship during the 12 months prior to written consent being given.’

Mr David Burrowes
 Tim Loughton
 Jim Shannon

55

Schedule 1, page 17, line 33, leave out paragraph 3.

Chris Bryant
 Stephen Doughty
 Kate Green

43

Schedule 1, page 18, line 7, leave out from beginning to end of line 12.

Kate Green
 Chris Bryant
 Stephen Williams
 Stephen Doughty

2

Clause 8, page 8, line 17, leave out ‘may’ and insert ‘shall’.

Kate Green
 Chris Bryant
 Stephen Williams
 Stephen Doughty

3

Clause 8, page 8, line 20, leave out ‘may’ and insert ‘shall’.

Marriage (Same Sex Couples) Bill, *continued*

Mr David Burrowes
 Tim Loughton
 Jim Shannon

49

Clause 9, page 9, line 5, at end insert—

- ‘(1A) Such a procedure must include a ceremony which reflects the requirements of Section 1(2).’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

50

Clause 9, page 9, line 8, at end insert—

- ‘(2A) Such a procedure must include a ceremony which reflects the requirements of Section 1(2).’.

Dr Julian Huppert

7

Clause 9, page 10, line 24, at end insert—

- ‘(9) Where a civil partnership formed under part 1, section 96 of the Civil Partnership Act (Civil Partnership with former spouse) is converted into a marriage under this section—
- (a) the civil partnership ends on the conversion, and
 - (b) if both partners so elect, the resulting marriage is to be treated as having subsisted since the marriage dissolved under Schedule 2 of the Gender Recognition Act 2004 was formed.’.

Jim Shannon
 Mr David Burrowes
 Tim Loughton

41

Schedule 2, page 21, line 29, leave out paragraph 2.

Jim Shannon
 Tim Loughton
 Mr David Burrowes

46

Schedule 2, page 21, line 41, leave out ‘, or by virtue of paragraph 2.’.

Jim Shannon
 Tim Loughton
 Mr David Burrowes

47

Schedule 2, page 21, line 42, leave out ‘or 2(2)’.

Marriage (Same Sex Couples) Bill, *continued*

- Jim Shannon
Tim Loughton
Mr David Burrowes
- Schedule 2, page 22, line 28, leave out sub-sub-paragraph (b). 48
-
- Mr David Burrowes
Jim Shannon
Tim Loughton
- Clause 11, page 10, line 41, leave out subsections (1) and (2). 39
- Mr David Burrowes
Tim Loughton
Jim Shannon
- ☆ Clause 11, page 10, line 41, leave out subsection (1) and insert— 61
- (1) In this Act—
- (a) references to “marriage” in relation to same sex couples shall be changed to “union”.
- (b) in the law of England and Wales, “union” has the same effect in relation to same sex couples as “marriage” has in relation to opposite sex couples.’
-
- Mr David Burrowes
Tim Loughton
Jim Shannon
- Schedule 3, page 23, leave out from line 30 to line 29 on page 24. 44
-
- Mr David Burrowes
Jim Shannon
Tim Loughton
- Schedule 4, page 26, line 9, leave out paragraphs 3 and 4. 42
- Mr Rob Wilson
- Schedule 4, page 26, line 14, leave out sub-paragraph (2). 37
- Mr Rob Wilson
- Schedule 4, page 26, line 21, leave out sub-paragraph (3). 38

Marriage (Same Sex Couples) Bill, *continued*

Kate Green
Chris Bryant

56

- Schedule 4, page 33, line 40, leave out paragraph 15 and insert—
 ‘15 (1) Schedule 9 of the Equality Act 2010 (work: exceptions) is amended as follows.
 (2) Omit sub-paragraph 18(1).’

Kate Green

62

- ★ Schedule 4, page 34, line 4, at end insert—
 ‘(c) a woman who is married to a woman who is her spouse where—
 (i) the spouse is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
 (ii) the marriage subsisted before the time when that certificate was issued.’

Kate Green

64

- ★ Schedule 4, page 34, line 21, at end insert—
 ‘(2A) In subsection (3) after “widow’s”, insert “or a survivor same sex spouse’s, where within (4C) below.”.’

Kate Green

63

- ★ Schedule 4, page 34, line 22, leave out ‘after “partner’s” insert “or surviving same sex spouse’s”.’ and insert ‘—
 (a) after “partner’s” insert “or surviving same sex spouse’s”;
 (b) at end insert “but this limitation does not apply to a surviving same sex spouse by virtue of gender recognition as defined in (4C) below.”.’

Kate Green

65

- ★ Schedule 4, page 34, line 22, at end insert—
 ‘(3A) After subsection (4B) insert—
 “(4C) A surviving same sex spouse is ‘a same sex spouse by virtue of gender recognition’ where she was married to—
 (a) a spouse who was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
 (b) the marriage subsisted before the time when that certificate was issued.”.’

Kate Green

66

- ★ Schedule 4, page 34, line 29, leave out ‘is a man married to a woman, and the earner’ and insert ‘is a man married to a woman, or a woman within (4) below who is married to a woman, and the earner’.

Kate Green

67

- ★ Schedule 4, page 34, line 32, leave out ‘is a married woman, a man married to a

Marriage (Same Sex Couples) Bill, continued

man, or a civil partner, and the earner dies’ and insert ‘is a married woman except within (4) below, a man married to man, or a civil partner, and the earner dies’.

Kate Green

68

- ★ Schedule 4, page 34, line 34, at end insert—
 ‘(4) A woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, whose marriage subsisted before the time when that certificate was issued.’.

Kate Green

69

- ★ Schedule 4, page 34, line 35, leave out ‘, in subsection (4), for “widower or surviving civil partner of an earner” substitute “widower of a female earner, the survivor of a marriage with an earner of the same sex, or the survivor of a civil partnership with an earner,”.’ and insert ‘—
- (a) in subsection (4), for “widower or surviving civil partner of an earner” substitute “widower of a female earner, the survivor of a marriage with an earner of the same sex, or the survivor of a civil partnership with an earner,”;
- (b) at the end insert—
- “(5) The limitation in subsection 4 shall not apply to the survivor of a marriage with an earner of the same sex in which the survivor was married to—
- (a) a spouse who was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) the marriage subsisted before the time when that certificate was issued.”.’.

Dr Julian Huppert

5

Schedule 5, page 36, leave out lines 10 to 37 and insert—
 ‘Section 4 (successful applications): for subsections (2) and (3) substitute—

- “(2) The certificate is to be a full gender recognition certificate if—
- (a) the applicant is not a civil partner and does not request an interim gender recognition certificate,
- (b) or the applicant is a civil partner who does not request an interim gender recognition certificate and the Panel has decided to issue a full gender recognition certificate to the other party to the civil partnership.
- (3) The certificate is to be an interim gender recognition certificate if either—
- (a) the applicant is a party to a protected civil partnership and the other party to the civil partnership has not made an application under section 1(1),

Marriage (Same Sex Couples) Bill, continued

- (b) the applicant is a party to a protected civil partnership and the Panel has decided not to issue a full gender recognition certificate to the other party to the civil partnership,
- (c) or the applicant is party to a protected marriage, requests an interim gender recognition certificate and the application includes a statutory declaration of consent from the applicant's spouse.

(3A) If a gender recognition panel issues a full gender recognition certificate under this section to an applicant who is a party to a marriage or civil partnership, the panel must give the applicant's spouse notice of the issue of the certificate.".'.

Dr Julian Huppert

Schedule 5, page 39, line 39, leave out '(by virtue of section 4(2)(b) or 4A)'.

6

Hugh Bayley
Kate Green
Chris Bryant

Schedule 5, page 40, line 18, at end insert—

13

'Reinstatement of marriages annulled to permit a person to obtain a gender recognition certificate

9A Schedule 4 (Effect on Marriage) at beginning insert:

- (1) This section applies to a formerly married couple whose marriage was annulled in order to permit one or both partners to that marriage to obtain a full gender recognition certificate provided that:
 - (a) the marriage was annulled following the coming into force of the Gender Recognition Act 2004, and
 - (b) the formerly married couple either:
 - (i) formed a civil partnership with each other within six months of the annulment of their marriage, and continue to maintain their civil partnership, or
 - (ii) have continued to live together in the same household since the annulment of their marriage, and
 - (iii) both partners to the former marriage give notice that they wish their marriage to be reinstated - with effect from the date that it was annulled.
- (2) When notice is given under section (1)(b)(iii), the marriage shall be reinstated with effect from the date it was annulled.
- (3) In such circumstances the continuity of the marriage shall not be affected in any way and all legal rights that accrued to either party to that marriage will be reinstated - including the right to pensions, tax status in the UK, rights to property and inheritance.
- (4) In those cases where the couple subsequently formed a civil partnership, the civil partnership shall be set aside.
- (5) The couple whose marriage is reinstated shall be compensated from public funds for the costs they incurred in annulling the marriage, seperating their financial affairs, forming a civil parthership and in respect of their costs incurred in the UK or abroad as a result of the annulmen tof their marriage.".'.

Marriage (Same Sex Couples) Bill, continued

Dr Julian Huppert

8

- Schedule 5, page 40, leave out lines 30 to 31 and insert—
- ‘(a) the registration of qualifying marriages,
 - (b) the registration of qualifying civil partnerships,
 - (c) the issue of replacement marriage certificates displaying the new details of the parties to the marriage but maintaining the original date,
 - (d) the issue of replacement birth certificates where the application is shown on the certificate, with the consent of the other parent named and—
 - (i) where the child has reached 16 years of age, the consent of the child to whom the birth certificate relates,
 - (ii) where the child has not yet reached the age of 16 years, the consent of the other parent named on the birth certificate, where present.’

Dr Julian Huppert

4

- Schedule 7, page 50, line 37, at end insert—
 ‘(24A) Section 12 (grounds on which a marriage is voidable): omit paragraph (h).’

Mr David Burrowes
 Tim Loughton
 Jim Shannon

30

- Schedule 7, page 52, line 26, at end insert—

‘Human Rights Act 1998. (c.42)

- 42 The Human Rights Act 1998 is amended as follows.
 43 Section 6: after subsection 3 insert—

“(3A) A “public authority” for the purposes of this section does not include a relevant governing authority or relevant religious organisation in respect of functions relating to giving any consent or to refusing to give any consent provided for in sections 2, 4, 5, or 7 of the [Marriage (Same Sex Couples)] Act 2013.”’.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

31

- Schedule 7, page 52, line 26, at end insert—

‘42 The Education Act 1996 is amended as follows.

43 Section 403 (sex education: manner of provision), after subsection (1D) insert—

“(1E) For the purposes of subsection (1A), no school shall be under any duty as a result of guidance issued, to promote or endorse any understanding of the nature of marriage that is contrary to the character and designation of the school.”’.

Marriage (Same Sex Couples) Bill, *continued*

Mr David Burrowes
 Tim Loughton
 Jim Shannon

32

Schedule 7, page 52, line 26, at end insert—

Public Order Act 1986

- 42 (1) Section 29JA is amended as follows.
 43 (2) For section 29JA there shall be substituted the following—

“29JA Protection of freedom of expression (sexual orientation)

In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices or the discussion or criticism of same-sex marriage shall not be taken of itself to be threatening or intend to stir up hatred.”.

Mr David Burrowes
 Tim Loughton
 Jim Shannon

33

Schedule 7, page 52, line 26, at end insert—

‘42 (1) Section 89 (interpretation and exceptions): After subsection (1) insert—

“(1A) For the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the discussion or criticism of same-sex marriage shall not be taken of itself to be discrimination for the purposes of section 85.”.

Mr David Burrowes
 Jim Shannon
 Tim Loughton

40

Clause 15, page 12, line 11, leave out subsections (2) and (3) and insert—

‘(2) The following subordinate legislation may not be made unless a draft of the statutory instrument containing the legislation has been laid before, and approved by resolution of, each House of Parliament—

- (a) an order under section 8;
- (b) an order under section 14(1) or (2);
- (c) an order under paragraph 1 or 2 of Schedule 2;
- (d) an order under section 11(5)(c);
- (e) an order under paragraph 2 of Schedule 2;
- (f) an order under paragraph 24 of Schedule 4.

(2A) Before the Secretary of State makes an order under subsection (2) he must consult such other persons as appear to him to be likely to be affected by his proposals.

(2B) If, following consultation under the provisions in subsection (2A), the Secretary of State proposes to make an order under subsection (2) he must lay before each House of Parliament a document which—

- (a) explains his proposals;

Marriage (Same Sex Couples) Bill, continued

- (b) sets them out in the form of a draft order; and
 - (c) gives details of consultation under subsection (2A).
- (2C) Where a document relating to proposals is laid before Parliament under subsection (2B), no draft of an order under subsection (2) to give effect to the proposals (with or without modifications) is to be laid before Parliament until after the expiry of the period of 60 days beginning with the day on which the document was laid.
- (2D) In calculating the period mentioned in subsection (2C) no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued; or
 - (b) either House is adjourned for more than four days.
- (2E) In preparing a draft order under subsection (2) the Secretary of State must consider any representations made during the period mentioned in subsection (2C).
- (2F) A draft order under subsection (2) which is laid before Parliament must be accompanied by a statement of the Secretary of State giving details of—
- (a) any representations considered in accordance with subsection (2E); and
 - (b) any changes made to the proposals contained in the document laid before Parliament under subsection (2B).’

Jim Shannon
Tim Loughton
Mr David Burrowes

Clause 17, page 14, line 3, leave out subsection (3).

45

NEW CLAUSES

Part 1 of the Civil Partnership Act 2004

Mr Rob Wilson
Dr Julian Huppert
Greg Mulholland
Stephen Williams
Charlotte Leslie

NC1

To move the following Clause:—

- ‘(1) Part 1 of the Civil Partnership Act 2004 is amended as follows.
 - (2) In section 1, subsection (1), leave out “of the same sex”.’
-

Marriage (Same Sex Couples) Bill, *continued*
Part 2 of the Civil Partnership Act 2004

Mr Rob Wilson
 Dr Julian Huppert
 Greg Mulholland
 Stephen Williams
 Charlotte Leslie

NC2

To move the following Clause:—

- ‘(1) Part 2 of the Civil Partnership Act 2004 is amended as follows.
- (2) In section 3, subsection (1), after “if—”, leave out—
 “(a) they are not of the same sex”.’.

Marriages according to usages of approved organisations

Dr Julian Huppert
 Stephen Williams
 Kelvin Hopkins

NC3

To move the following Clause:—

- ‘(1) In the Marriage Act 1949, after section 47, insert the following section—

“47A Marriages according to usages of approved organisations

- (1) The Registrar General may by certificate approve organisations to solemnise marriages according to their usages provided that any such organisation—
 - (a) is a registered charity concerned with advancing or practising a religion or belief, including a non-religious belief;
 - (b) does not possess or have the use of any registered place of worship; and
 - (c) appears to the Registrar General to be of good repute.
- (2) In the certificate referred to in subsection (1) the Registrar General shall designate an officer of the organisation (“the principal officer”) to appoint persons for stated periods of time to act as registering officers on behalf of the organisation, and may impose such conditions as seem to him or her to be desirable relative to the conduct of marriages by the organisation and to the safe custody of marriage register books.
- (3) The principal officer shall, within the prescribed time and in the prescribed manner, certify the names and addresses of the persons so appointed to the Registrar General and to the superintendent registrars of the registration districts in which such persons live, together with such other details as the Registrar General shall require.
- (4) A marriage shall not be solemnised according to the usages of an approved organisation until duplicate marriage register books have been supplied by the Registrar General under Part IV of this Act to the registering officers appointed to act on behalf of the organisation.

Marriage (Same Sex Couples) Bill, *continued*

- (5) If the Registrar General is not satisfied with respect to any registering officer of the approved organisation that sufficient security exists for the safe custody of marriage register books, he or she may in his or her discretion suspend the appointment of that registering officer.
- (6) A marriage to which this section applies shall be solemnised with open doors in the presence of either—
- (a) a registrar of the registration district in which the marriage takes place; or
 - (b) a registering officer appointed under subsection (2) whose name and address have been certified in accordance with subsection (3) and of two witnesses;
- and the persons to be married shall make the declarations and use the form of words set out in subsection (3) or (3A) of section 44.
- (7) A marriage solemnised according to the usages of an approved organisation shall not be valid unless there is produced to the superintendent registrar, at the time when notice of marriage is given, a certificate signed by the principal officer or a registering officer of the approved organisation that each person giving notice of marriage is a member of the said organisation.
- (8) A certificate under subsection (7) shall be for all purposes conclusive evidence that any person to whom it relates is authorised to be married according to the usages of the said organisation and the entry of the marriage in a marriage register book under Part IV of this Act, or a certified copy thereof made under the said Part IV, shall be conclusive evidence of the production of such a certificate.”
- (2) Schedule [Consequential amendments—Marriage according to usages of approved organisations] has effect.’.

Conscientious objection

Mr David Burrowes
 Tim Loughton
 Jim Shannon

NC5

To move the following Clause:—

- ‘(1) No person shall be under any duty, whether by contract or by statutory or other legal requirement, to conduct a marriage to which he has a conscientious objection.
- (2) For the purposes of this section, a “conscientious objection” exists where the refusal to conduct a marriage is only that it concerns a same sex couple, and is based on the person’s sincerely held religious or other beliefs.
- (3) This section is without prejudice to the duty of a registration authority to ensure that there is a sufficient number of registrars and superintendent registrars for its area to carry out in that area the functions of registrars and superintendents.

Marriage (Same Sex Couples) Bill, continued

- (4) In any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it.’
-

Existing charitable trust deeds

Mr David Burrowes
Tim Loughton
Jim Shannon

NC6

To move the following Clause:—

‘A charitable trust deed which includes in its objects, directly or indirectly, the promotion of marriage or the provision of marriage counselling is not extended by this Act to marriages of same-sex couples.’

Education: Parental right of withdrawal

Mr David Burrowes
Tim Loughton
Jim Shannon

NC7

To move the following Clause:—

‘In the event that a school teaches about same-sex marriage in a way which conflicts with the beliefs of a parent, that parent shall have a right to withdraw their child from the lesson or lessons in which that teaching takes place, regardless of whether the lesson is deemed to constitute sex education.’

Part 2 of the Civil Partnership Act 2004—adultery

Charlotte Leslie

NC8

To move the following Clause:—

- (1) Part 2 of the Civil Partnership Act 2004 is amended as follows.
(2) In section 44, subsection (5), at end add—
 “(e) that the respondent has committed adultery and the applicant finds it intolerable to live with the respondent.”’.
-

Marriage (Same Sex Couples) Bill, *continued*

Part 2 of the Civil Partnership Act 2004—non-consummation

Charlotte Leslie

NC9

To move the following Clause:—

- ‘(1) Part 2 of the Civil Partnership Act 2004 is amended as follows.
 - (2) In section 50, subsection (1), at end insert—
 - “(f) the Civil Partnership has not been consummated owing to the incapacity of either party to consummate it;
 - (g) the Civil Partnership has not been consummated owing to the wilful refusal of the respondent to consummate it.”’.
-

Part 2 of the Equality Act 2010—belief about the nature of marriage

Charlotte Leslie

NC10

To move the following Clause:—

- ‘(1) Part 2 of the Equality Act 2010 is amended as follows.
 - (2) In section 4, at end add—
 - (3) “belief about the nature of marriage”.
 - (4) After section 12 insert the following clause—
 - “(12A) In relation to the protected characteristic of belief about the nature of marriage—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person who holds a particular belief about the nature of marriage;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who hold the same belief about the nature of marriage.”’.
-

The Equality Act 2010

Mr Rob Wilson

NC11

To move the following Clause:—

- ‘(1) The Equality Act 2010 is amended as follows.
- (2) In section 149, after subsection 9, insert—
 - “(10) No person shall suffer any detriment in respect of his opposition to same sex marriage or the reasonable expression thereof, where that person’s opposition to same sex marriage is—

Marriage (Same Sex Couples) Bill, continued

- (a) motivated by his conscience; or
 - (b) motivated by his deeply and genuinely held religious or philosophical beliefs.”’.
-

Registrars of marriages of same sex couples

Mr Rob Wilson

NC12

To move the following Clause:—

- ‘(1) It is the duty of each registration authority to ensure that there is a sufficient number of registrars for its area to carry out in that area the functions of a registrar in respect of marriages of same sex couples.’.
-

*The Human Rights Act 1998*Mr Rob Wilson
Tim Loughton**NC13**

To move the following Clause:—

‘In section 13 of the Human Rights Act 1998 insert—

- “(2A) No duty to solemnize the marriage of a same sex couple according to the rites of the Church of England shall be created by virtue of this Act or the schedules thereto.”’.
-

*Civil partnerships: change of gender*Hugh Bayley
Stephen Gilbert
Stephen Williams**NC14**

To move the following Clause:—

- ‘(1) If one of the parties in a civil partnership changes their gender under the Gender Recognition Act 2004, the civil partnership may continue, provided that both parties so elect.

Marriage (Same Sex Couples) Bill, *continued*

- (2) Subsection (1) applies only if a full gender recognition certificate is issued after the civil partnership has been entered into.’

Sanctions against clergy (prohibition)

Tim Loughton
Mr David Burrowes
Jim Shannon
Sir Gerald Howarth
Kwasi Kwarteng

NC15

To move the following Clause:—

‘No sanction may be imposed upon or discrimination exercised against any member of the clergy who refuses to conduct a same sex marriage who—

- (a) is employed as a member of the armed forces;
- (b) is employed as a chaplain in the National Health Service; or
- (c) is employed by any other state institution or organisation.’

Withholding of funds

Tim Loughton
Mr David Burrowes
Jim Shannon
Sir Gerald Howarth
Kwasi Kwarteng

NC16

To move the following Clause:—

‘No award of public funds for which religious organisations are otherwise eligible shall be withheld on the grounds that those faith groups refuse or are prohibited from conducting same sex marriages.’

Applications for gender recognition certificates following the coming into force of this Act

Kate Green

NC17

★ To move the following Clause:—

‘An application for a gender recognition certificate under the Gender Recognition Act 2004 made by a person who was married at the time that Act came into force, has undergone surgical treatment for the purpose of modifying sexual characteristics in the period since the coming into force of the 2004 Act and has

Marriage (Same Sex Couples) Bill, *continued*

remained married shall be treated as if it was an application under section 27(3) of the Gender Recognition Act 2004.’

NEW SCHEDULE

Dr Julian Huppert
Kelvin Hopkins
Stephen Williams

NS1

To move the following Schedule:—

‘CONSEQUENTIAL AMENDMENTS—MARRIAGE ACCORDING TO USAGES OF APPROVED ORGANISATIONS

The following amendments are made to the Marriage Act 1949—

- (1) In section 26 (marriages which may be solemnised on authority of superintendent registrar’s certificate) in subsection (1) after paragraph (c) there is inserted—
 - “(ca) a marriage conducted under the auspices of an approved organisation;”.
- (2) In section 35 (marriages in registration district in which neither party resides) after “the Society of Friends” there is inserted “or of an approved organisation”.
- (3) In section 43 (appointment of authorised persons) in subsection (3) after “the Society of Friends” there is inserted “or of an organisation authorised by the Registrar General under section 47A”.
- (4) In section 50 (person to whom certificate to be delivered), in subsection (1) after paragraph (d) there is inserted—
 - “(da) if the marriage is to be solemnised according to the usages of an approved organisation, a registering officer of that organisation”.
- (5) After section 52, the following section is inserted—

“52A Interpretation

In this Part of this Act “approved organisation” has the meaning given to it in section 67.”.

- (6) In section 53 (persons by whom marriages are to be registered), after paragraph (b) there is inserted—
 - “(ba) in the case of a marriage solemnised according to the usages of an approved organisation, a registered officer of that organisation;”.
- (7) In section 54 (provision of marriage register books by Registrar General), in subsection (1) after the words “the Society of Friends,” there is inserted “registering officer of every approved organisation”.
- (8) In section 55 (manner of registration of marriages)—
 - (a) in subsection (1) after the words “the Society of Friends” there is inserted “or of an approved organisation”; and
 - (b) in subsection (1)(b) after the words “the Society of Friends” there is inserted “or of an approved organisation” and after the words “the said Society” there is inserted “or organisation”.

Marriage (Same Sex Couples) Bill, *continued*

- (9) In section 57 (quarterly returns to be made to superintendent registrar), in subsection (1) after the words “the Society of Friends” there is inserted “or of an approved organisation”.
- (10) In section 59 (custody of register books) after the words “the Society of Friends” there is inserted “or of an approved organisation”.
- (11) In section 60 (filled register books) in subsection (1), paragraph (b), after the words “registering officer of the Society of Friends” there is inserted “or of an approved organisation”; after the words “members of the Society of Friends” there is inserted “or of the said organisation”, and after the words “the said Society” there is inserted “or organisation”.
- (12) In section 63 (searches in register books) after the words “the Society of Friends” there is inserted “or of an approved organisation”.
- (13) In section 67 (interpretation of Part IV), there are inserted in the list of definitions the following—
 ““approved organisation” means an organisation approved by the Registrar General under section 47A of this Act;” and
 ““registering officer of an approved organisation” means a person whom the principal officer of the said organisation certifies in writing under his or her hand to the Registrar General to be a registering officer in England or Wales of that organisation;”
 and in the definition of “superintendent registrar” after paragraph (b) insert—
 “(ba) in the case of a marriage registered by a registering officer of an approved organisation, the superintendent registrar of the registration district which is assigned by the Registrar General to that registering officer;”.
- (14) In section 75 (offences relating to solemnisation of marriages) in subsection (1), paragraph (a), after the words “the Society of Friends” there is inserted “or of an approved organisation”; and in subsection (2), paragraph (a), after the words “the Society of Friends” there is inserted “or of an approved organisation”.

Dr Julian Huppert
 Stephen Williams

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Title, line 4, after ‘overseas’, insert ‘to permit the Registrar General to permit certain charitable organisations to solemnise marriages.’.

ORDER OF THE HOUSE [5 FEBRUARY 2013]

That the following provisions shall apply to the Marriage (Same Sex Couples) Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 12 March 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Marriage (Same Sex Couples) Bill, continued*Consideration and Third Reading*

4. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
5. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the second day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.
7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [12 FEBRUARY 2013]

That—

- (1) the Committee shall (in addition to its first meeting at 8.00 am on Tuesday 12 February) meet—
 - (a) at 2.00 pm on Tuesday 12 February;
 - (b) at 11.30 am and 2.00 pm on Thursday 14 February;
 - (c) at 8.55 am and 2.00 pm on Tuesday 26 February;
 - (d) at 11.30 am and 2.00 pm on Thursday 28 February;
 - (e) at 8.55 am and 2.00 pm on Tuesday 5 March;
 - (f) at 11.30 am and 2.00 pm on Thursday 7 March; and
 - (g) at 8.55 am and 2.00 pm on Tuesday 12 March;
- (2) the Committee shall hear oral evidence in accordance with the following Table;

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 12 February	Until no later than 9.00 am	Department for Culture, Media and Sport; Department for Education
Tuesday 12 February	Until no later than 9.45 am	The Church of England
Tuesday 12 February	Until no later than 10.30 am	The Catholic Bishops' Conference of England and Wales
Tuesday 12 February	Until no later than 11.00 am	The Church in Wales
Tuesday 12 February	Until no later than 11.25 am	Lord Pannick QC; Baroness Kennedy of the Shaws QC

Marriage (Same Sex Couples) Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 12 February	Until no later than 3.00 pm	Stonewall; Lesbian and Gay Foundation; Gender Identity Research and Education Society
Tuesday 12 February	Until no later than 3.45 pm	Liberal Judaism; Board of Deputies of British Jews
Tuesday 12 February	Until no later than 4.15 pm	Out4Marriage
Tuesday 12 February	Until no later than 4.45 pm	Coalition for Marriage
Tuesday 12 February	Until no later than 5.15 pm	Professor Julian Rivers, University of Bristol Law School
Thursday 14 February	Until no later than 12.15 pm	The Religious Society of Friends (Quakers in Britain); the General Assembly of Unitarian and Free Christian Churches
Thursday 14 February	Until no later than 1.00 pm	The Methodist Church; the United Reformed Church
Thursday 14 February	Until no later than 2.45 pm	Liberty; Equality and Human Rights Commission; The Co-operative Group
Thursday 14 February	Until no later than 3.15 pm	Schools OUT; PHSE Association
Thursday 14 February	Until no later than 3.45 pm	The Very Reverend Jeffrey John, Dean of St Albans; Alice Arnold, broadcaster
Thursday 14 February	Until no later than 4.15 pm	Brendan O'Neill, journalist; Mark Jones, partner at Ormerods Solicitors

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 4; Schedule 1; Clauses 5 to 10; Schedule 2; Clause 11; Schedules 3 and 4; Clause 12; Schedule 5; Clause 13; Schedule 6; Clause 14; Schedule 7; Clauses 15 to 18; new Clauses; new Schedules; remaining proceedings on the Bill; and
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 12 March.

Marriage (Same Sex Couples) Bill, *continued*

NOTICES WITHDRAWN

The following Notices were withdrawn on 28 February:

Amendment 14

NC 4
