



House of Commons

NOTICES OF AMENDMENTS

given on

Monday 13 May 2013

*For other Amendment(s) see the following page(s) of Supplement to Votes:
953-59, 1103-06, 1109-11, 1177-78 and 1229-31 of the 2012-13 Session
3 of the 2013-14 Session*

CONSIDERATION OF BILL

MARRIAGE (SAME SEX COUPLES) BILL

Secretary Maria Miller

23

Clause 2, page 3, line 43, at end insert—

() In section 110 of the Equality Act 2010 (liability of employees and agents), after subsection (5) insert—

“(5A) A does not contravene this section if A—

(a) does not conduct a relevant marriage,

(b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or

(c) does not consent to a relevant marriage being conducted,

for the reason that the marriage is the marriage of a same sex couple.

(5B) Subsection (5A) applies to A only if A is within the meaning of “person” for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section.”.

Secretary Maria Miller

24

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

Secretary Maria Miller

25

Clause 11, page 11, line 8, leave out from ‘other’ to end of line 10 and insert ‘ecclesiastical law (whether or not contained in England and Wales legislation, and, if contained in England and Wales legislation, whenever passed or made)’.

Secretary Maria Miller

26

Clause 15, page 12, line 36, leave out from ‘order’ to ‘would’ in line 38 and insert

Marriage (Same Sex Couples) Bill, *continued*

‘or regulations under this Act, except an order under section 18(3), containing provision which’.

Secretary Maria Miller

Clause 15, page 12, line 40, leave out ‘consult’ and insert ‘obtain the consent of’.

27

Secretary Maria Miller

Clause 15, page 12, line 41, leave out from ‘order’ to ‘would’ in line 42 and insert ‘or regulations under this Act, except an order under section 18(3), containing provision which’.

28

Secretary Maria Miller

Schedule 2, page 21, line 26, leave out sub-paragraph (5).

29

Secretary Maria Miller

Schedule 3, page 23, line 30, leave out from beginning to ‘legislation’ in line 32 and insert ‘In existing England and Wales’.

30

Secretary Maria Miller

Schedule 3, page 24, line 7, leave out ‘which has effect as indicated in section 11(2)’.

31

Secretary Maria Miller

Schedule 3, page 24, line 21, leave out ‘which has effect as indicated in section 11(2) and’.

32

Secretary Maria Miller

Schedule 4, page 26, line 28, leave out from ‘courts)’ to end of line 30 on page 27 and insert ‘is amended in accordance with this paragraph.

33

(2) Subsection (1): after “entertain” insert “any of the following proceedings in relation to a marriage of a man and a woman”.

(3) After subsection (5) insert—

“(5A) Schedule A1 (jurisdiction in relation to marriage of same sex couples) has effect.”.

(4) Subsection (6): after “Wales” insert “(whether the proceedings are in respect of the marriage of a man and a woman or the marriage of a same sex couple)”.

7 Section 6 (miscellaneous amendments, transitional provision and savings), subsection (3): after “Act” (in the first place) insert “, or by virtue of Schedule A1 to this Act,”.

8 Before Schedule 1 insert—

Marriage (Same Sex Couples) Bill, *continued*

“SCHEDULE A1

JURISDICTION IN RELATION TO MARRIAGE OF SAME SEX COUPLES

Introduction

1 This Schedule shall have effect, subject to section 6(3) and (4), with respect to the jurisdiction of the court to entertain any of the following proceedings in relation to a marriage of a same sex couple—

- (a) proceedings for divorce, judicial separation or nullity of marriage;
- (b) proceedings for an order which ends a marriage on the ground that one of the couple is dead; and
- (c) proceedings for a declaration as to the validity of a marriage.’.

Secretary Maria Miller 34
 Schedule 4, page 27, line 32, leave out ‘a divorce order’ and insert ‘divorce’.

Secretary Maria Miller 35
 Schedule 4, page 28, line 3, leave out ‘a nullity order’ and insert ‘nullity of marriage’.

Secretary Maria Miller 36
 Schedule 4, page 28, line 28, leave out from ‘for’ to ‘even’ in line 29 and insert ‘divorce, judicial separation or nullity of marriage’.

Secretary Maria Miller 37
 Schedule 4, page 28, line 32, leave out from ‘for’ to end of line 38 and insert ‘an order which ends a marriage on the ground that one of the couple is dead on an application made by the other of the couple (“the applicant”) if (and only if)—
 (a) at the time the application is made, the High Court does not have jurisdiction to entertain an application by the applicant under section 1 of the Presumption of Death Act 2013 for a declaration that the applicant’s spouse is presumed to be dead, and’.

Secretary Maria Miller 38
 Schedule 4, page 28, line 44, leave out ‘of validity’ and insert ‘as to the validity of a marriage’.

Secretary Maria Miller 39
 Schedule 4, page 29, line 47, at end insert—
 ‘8A (1) Schedule 1 (staying of matrimonial proceedings in England and Wales: interpretation), paragraph 2: after “kinds” insert “(whether relating to a marriage of a man and a woman or a marriage of a same sex couple)”.

Marriage (Same Sex Couples) Bill, *continued*
Transitory provision until commencement of Presumption of Death Act 2013

- 8B (1) This paragraph applies if section 1 of the Presumption of Death Act 2013 has not come into force at the time when the amendments of the Domicile and Matrimonial Proceedings Act 1973 made by the other provisions of this Part of this Schedule come into force.
- (2) Schedule A1 to the Domicile and Matrimonial Proceedings Act 1973 has effect with the following modifications until section 1 of the Presumption of Death Act 2013 comes into force.
- (3) Paragraph 1 has effect with the following provision substituted for paragraph (b)—
- “(b) proceedings for death to be presumed and a marriage to be dissolved in pursuance of section 19 of the Matrimonial Causes Act 1973; and”.
- (4) Schedule A1 has effect with the following provision substituted for paragraph 3—
- “3 The court has jurisdiction to entertain proceedings for death to be presumed and a marriage to be dissolved if (and only if)—
- (a) the applicant is domiciled in England and Wales on the date when the proceedings are begun,
- (b) the applicant was habitually resident in England and Wales throughout the period of 1 year ending with that date, or
- (c) the two people concerned married each other under the law of England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.”.

Secretary Maria Miller

40

Schedule 4, page 34, line 4, at end insert ‘, or

- (c) married to a person of the same sex in a relevant gender change case.

(1B) The reference in sub-paragraph (1A)(c) to a relevant gender change case is a reference to a case where—

- (a) the married couple were of the opposite sex at the time of their marriage, and
- (b) a full gender recognition certificate has been issued to one of the couple under the Gender Recognition Act 2004.”.

Secretary Maria Miller

41

Schedule 4, page 34, line 13, after ‘(2)’ insert ‘—

- (a) paragraph (a): after “man” insert “, or a woman in a relevant gender change case,”;
- (b) ‘.

Secretary Maria Miller

42

Schedule 4, page 34, line 18, after ‘woman’ insert ‘(other than in a relevant gender change case)’.

Marriage (Same Sex Couples) Bill, *continued*

Secretary Maria Miller

43

Schedule 4, page 34, line 27, at end insert—

‘() After subsection (9) insert—

“(10) In relation to an earner who is a woman, a reference in this section to a relevant gender change case is a reference to a case where—

(a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and

(b) the marriage of the earner and her widow (that ends with the earner’s death) subsisted before the time when the certificate was issued.

(11) This section is subject to regulations under section 38A.”’.

Secretary Maria Miller

44

Schedule 4, page 34, line 29, after ‘woman’ insert ‘or a woman married to a woman in a relevant gender change case’.

Secretary Maria Miller

45

Schedule 4, page 34, line 32, after ‘woman’ insert ‘(other than in a relevant gender change case)’.

Secretary Maria Miller

46

Schedule 4, page 34, line 34, at end insert—

‘() After subsection (3) insert—

“(4) In relation to an earner who is a woman, a reference in this section to a relevant gender change case is a reference to a case where—

(a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and

(b) the marriage of the earner and her widow (that ends with the earner’s death) subsisted before the time when the certificate was issued.

(5) This section is subject to regulations under section 38A.”’.

Secretary Maria Miller

47

Schedule 4, page 34, line 35, leave out paragraph 20 and insert—

‘20 (1) Section 37 (alteration of rules of contracted-out schemes) is amended as follows.

(2) For subsection (4) substitute—

“(4) The reference in subsection (3) to a person entitled to receive benefits under a scheme includes a person who is so entitled by virtue of a qualifying relationship only in such cases as may be prescribed.

(5) For that purpose a person is entitled to receive benefits by virtue of a qualifying relationship if the person is so entitled by virtue of being—

Marriage (Same Sex Couples) Bill, *continued*

- (a) the widower of a female earner;
 - (b) the widower of a male earner;
 - (c) the widow of a female earner, except where it is a relevant gender change case; or
 - (d) the survivor of a civil partnership with an earner.
- (6) In relation to a widow of a female earner, the reference in subsection (5)(c) to a relevant gender change case is a reference to a case where—
- (a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
 - (b) the marriage of the earner and her widow (that ends with the earner's death) subsisted before the time when the certificate was issued.
- (7) This section is subject to regulations under section 38A.”.
- 20A Before section 39 insert—

“38A Regulations about relevant gender change cases

- (1) The Secretary of State may, by regulations, make provision for—
 - (a) section 17,
 - (b) section 24D, or
 - (c) section 37,
 to have its special effect in relevant gender change cases only if conditions prescribed in the regulations are met.
- (2) Regulations under subsection (1) may, in particular, prescribe conditions that relate to the provision of information by—
 - (a) one or both of the members of married same sex couples, or
 - (b) the survivors of such couples.
- (3) The Secretary of State may, by regulations, make further provision about cases where (because of regulations under subsection (1))—
 - (a) section 17,
 - (b) section 24D, or
 - (c) section 37,
 does not have its special effect in relevant gender change cases.
- (4) Regulations under subsection (3) may, in particular, provide for the section in question to have its ordinary effect in relevant gender change cases.
- (5) Regulations under subsection (1) or (3) may, in particular, modify or disapply any enactment that concerns information relating to—
 - (a) the gender or sex of a person, or
 - (b) the change of gender or sex of a person,
 including any enactment that concerns requests for, or disclosure of, such information.
- (6) In this section, in relation to section 17, 24D or 37—
 - (a) “relevant gender change case” has the same meaning as in that section;
 - (b) “special effect” means the effect which the section has (if regulations under subsection (1) of this section are ignored) in

Marriage (Same Sex Couples) Bill, *continued*

relation to relevant gender change cases, insofar as that effect is different from the section's ordinary effect;

- (c) "ordinary effect" means the effect which the section has in relation to same sex married couples in cases that are not relevant gender change cases.".'.

Secretary Maria Miller

48

Schedule 6, page 45, line 31, at end insert—

- '(2) In the case of an Order in Council containing provision which would (if contained in an Act of the Scottish Parliament) be within the legislative competence of that Parliament, no recommendation is to be made to Her Majesty under this paragraph unless the Scottish Ministers have been consulted.
- (3) In the case of an Order in Council containing provision which would (if contained in an Act of the Northern Ireland Assembly) be within the legislative competence of that Assembly, no recommendation is to be made to Her Majesty under this paragraph unless the Department of Finance and Personnel has been consulted.'
-