



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 16 May 2013

New Amendments handed in are marked thus ★

CONSIDERATION OF BILL

MARRIAGE (SAME SEX COUPLES) BILL

NOTE

The Amendments have been arranged in accordance with the Marriage (Same Sex Couples) Bill (Programme) (No. 2) Motion to be proposed by Secretary Maria Miller

NEW CLAUSES RELATING TO ANY OF THE FOLLOWING: (A) SEX EDUCATION, (B) CONSCIENTIOUS OR OTHER OBJECTION TO MARRIAGE OF SAME SEX COUPLES, (C) EQUALITY LAW, (D) RELIGIOUS ORGANISATIONS' OPT-IN TO MARRIAGE OF SAME SEX COUPLES, AND (E) PROTECTION AGAINST COMPULSION TO SOLEMNIZE MARRIAGES OF SAME SEX COUPLES OR TO CARRY OUT ACTIVITIES IN RELATION TO THE SOLEMNIZATION OF SUCH MARRIAGES

Education Act 1996

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Jim Dobbin
 Mr David Crausby
 Fiona Bruce

Craig Whittaker
 Sir Gerald Howarth
 Dr Matthew Offord
 Andrew Selous
 Mr David Nuttall
 Mark Durkan
 Philip Davies

Mr Stewart Jackson
 Geoffrey Clifton-Brown
 Mr Peter Bone
 Jeremy Lefroy
 Sir Roger Gale
 Sir Alan Beith
 Karl McCartney

Mr Edward Leigh
 Mr William Cash
 John Glen
 Mr Nigel Dodds
 Bob Blackman
 Sir James Paice
 Mr Julian Brazier

Marriage (Same Sex Couples) Bill, *continued*

Miss Anne McIntosh	Greg Mulholland	Richard Drax
Heather Wheeler	Peter Aldous	Gordon Henderson
Mrs Anne Main	Nick de Bois	Mr James Gray
Mr Robert Walter	Charlotte Leslie	Mr Christopher Chope
Steve Baker	Mr Andrew Turner	Ms Margaret Ritchie
Harriett Baldwin	John Hemming	Mr Dominic Raab

NC1

To move the following Clause:—

- ‘(1) Section 403 of the Education Act 1996 (sex education: manner of provision) is amended as follows.
- (2) After subsection (1D) insert—
- “(1E) For the purposes of subsection (1A)—
- (a) No school shall be under any duty as a result of the guidance issued to promote or endorse an understanding of the nature of marriage and its importance for family life and the bringing up of children that runs contrary to the designated religious character of the school.
- (b) This subsection is without prejudice to any guidance issued by the Secretary of State regarding the legal status of marriage.”’.

Conscientious objection

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh	Dr Matthew Offord	Sir Gerald Howarth
Geoffrey Clifton-Brown	Mr William Cash	Mr Peter Bone
John Glen	Andrew Selous	Jeremy Lefroy
Mr Nigel Dodds	Mr David Nuttall	Sir Roger Gale
Bob Blackman	Sir Alan Beith	Karl McCartney
Mr Julian Brazier	Miss Anne McIntosh	Richard Drax
Heather Wheeler	Peter Aldous	Gordon Henderson
Nick de Bois	Mr James Gray	Mr Robert Walter
Charlotte Leslie	Mr Christopher Chope	Steve Baker
Mr Andrew Turner	Harriett Baldwin	Mr Dominic Raab

NC2

To move the following Clause:—

- ‘(1) Subject to subsections (2) and (3) of this section, no registrar shall be under any duty, whether by contract or by any statutory or other legal requirement, to conduct, be present at, carry out, participate in, or consent to the taking place of, a relevant marriage ceremony to which he has a conscientious objection.
- (2) Nothing in subsection (1) shall affect the duty of each registration authority to ensure that there is a sufficient number of relevant marriage registrars for its area to carry out in that area the functions of relevant marriage registrars.

Marriage (Same Sex Couples) Bill, *continued*

- (3) The conscientious objection must be based on a sincerely-held religious or other belief.
- (4) In any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it.’

Conscientious objection: transitional arrangements

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh
 Geoffrey Clifton-Brown
 Andrew Selous
 Mr David Nuttall
 Mr William Cash
 Philip Davies
 Miss Anne McIntosh
 Peter Aldous
 Mr James Gray
 Mr Christopher Chope
 Harriett Baldwin

Dr Matthew Offord
 Mr Peter Bone
 Jeremy Lefroy
 Sir Roger Gale
 Sir Alan Beith
 Karl McCartney
 Richard Drax
 Gordon Henderson
 Mr Robert Walter
 Steve Baker
 Mr Dominic Raab

Sir Gerald Howarth
 John Glen
 Mr Nigel Dodds
 Bob Blackman
 Sir James Paice
 Mr Julian Brazier
 Heather Wheeler
 Nick de Bois
 Charlotte Leslie
 Mr Andrew Turner
 Simon Hughes

NC3

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 if he is employed as a registrar of marriages on the date this Act comes in force.
 - (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 in that area to carry out the required functions.
 - (4) In any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it.’
-

Marriage (Same Sex Couples) Bill, *continued*
Chapter 2 of the Equality Act 2010

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Jim Dobbin
 Mr David Crausby
 Fiona Bruce

Mr Stewart Jackson
 Sir Gerald Howarth
 Craig Whittaker
 Andrew Selous
 Mr David Nuttall
 Sir Alan Beith
 Miss Anne McIntosh
 Richard Drax
 Karl McCartney
 Nick de Bois
 Charlotte Leslie
 Steve Baker
 Harriett Baldwin

Mr Edward Leigh
 Geoffrey Clifton-Brown
 Mr Peter Bone
 Jeremy Lefroy
 Sir Roger Gale
 Sir James Paice
 Mr Julian Brazier
 Heather Wheeler
 Gordon Henderson
 Mr James Gray
 Mr Christopher Chope
 Mr Andrew Turner
 John Hemming

Dr Matthew Offord
 Mr William Cash
 John Glen
 Mr Nigel Dodds
 Bob Blackman
 Philip Davies
 Greg Mulholland
 Peter Aldous
 Mrs Anne Main
 Mr Robert Walter
 Mark Durkan
 Ms Margaret Ritchie
 Mr Dominic Raab

NC4

To move the following Clause:—

‘(1) In the Equality Act 2010, after section 19, insert the following section—

“19A For the purposes of this Act discussion or criticism of same sex marriage shall not be taken of itself to be discrimination.”’.

Public sector equality duty—beliefs about marriage

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh
 Geoffrey Clifton-Brown
 Andrew Selous
 Mr David Nuttall
 Mr William Cash
 Karl McCartney
 Richard Drax
 Gordon Henderson
 Mr James Gray

Dr Matthew Offord
 Mr Peter Bone
 Jeremy Lefroy
 Sir Roger Gale
 Sir Alan Beith
 Mr Julian Brazier
 Heather Wheeler
 Mrs Anne Main
 Mr Robert Walter

Sir Gerald Howarth
 John Glen
 Mr Nigel Dodds
 Bob Blackman
 Philip Davies
 Miss Anne McIntosh
 Peter Aldous
 Nick de Bois
 Charlotte Leslie

Marriage (Same Sex Couples) Bill, *continued*

Mr Christopher Chope	Mark Durkan	Steve Baker
Mr Andrew Turner	Ms Margaret Ritchie	Harriett Baldwin
John Hemming	Mr Robin Walker	Mr Dominic Raab

NC5

To move the following Clause:—

‘(1) In the Equality Act 2010, after section 149(9), insert —

“149(10) Compliance with the duties in this section requires ensuring that a belief regarding the definition of marriage as being between a man and a woman is respected and that no person should suffer any detriment in respect of the holding or the reasonable expression of such a belief.”’.

Beliefs about marriage

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh	Dr Matthew Offord	Sir Gerald Howarth
Geoffrey Clifton-Brown	Mr Peter Bone	John Glen
Andrew Selous	Jeremy Lefroy	Mr Nigel Dodds
Mr Gregory Campbell	Mr David Nuttall	Sir Roger Gale
Bob Blackman	Mr William Cash	Sir Alan Beith
Sir James Paice	Philip Davies	Karl McCartney
Miss Anne McIntosh	Mr Julian Brazier	Richard Drax
Heather Wheeler	Peter Aldous	Gordon Henderson
Mrs Anne Main	Nick de Bois	Mr James Gray
Mr Robert Walter	Charlotte Leslie	Mr Christopher Chope
Mark Durkan	Steve Baker	Mr Andrew Turner
Ms Margaret Ritchie	Harriett Baldwin	John Hemming
Mr Robin Walker	Mr Dominic Raab	

NC6

To move the following Clause:—

‘(1) In the Equality Act 2010, after section 10(3), insert —

“10 (4) The protected characteristic of religion or belief may include a belief regarding the definition of marriage as being between a man and a woman.”’.

Marriage (Same Sex Couples) Bill, *continued*
Legal proceedings against a person

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Jim Dobbin
 Mr David Crausby
 Fiona Bruce

Craig Whittaker
 Dr Matthew Offord
 Mr William Cash
 Andrew Selous
 Mr Gregory Campbell
 Bob Blackman
 Karl McCartney
 Greg Mulholland
 Peter Aldous
 Nick de Bois
 Charlotte Leslie
 Steve Baker
 Harriett Baldwin

Mr Stewart Jackson
 Sir Gerald Howarth
 Mr Peter Bone
 Jeremy Lefroy
 Mr David Nuttall
 Sir Alan Beith
 Mr Julian Brazier
 Richard Drax
 Gordon Henderson
 Mr James Gray
 Mr Christopher Chope
 Mr Andrew Turner
 John Hemming

Mr Edward Leigh
 Geoffrey Clifton-Brown
 John Glen
 Mr Nigel Dodds
 Sir Roger Gale
 Philip Davies
 Miss Anne McIntosh
 Heather Wheeler
 Mrs Anne Main
 Mr Robert Walter
 Mark Durkan
 Ms Margaret Ritchie
 Mr Dominic Raab

NC7

To move the following Clause:—

- ‘(1) A decision by a person not to undertake an opt-in activity shall not be questioned in any legal proceedings whatsoever.
- (2) Expressions used in this section have the same meaning as the expressions used in Section 2 of this Act.’

Domestic protection for persons

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Jim Dobbin
 Mr David Crausby
 Fiona Bruce

Craig Whittaker
 Dr Matthew Offord
 Mr William Cash
 Andrew Selous
 Mr Gregory Campbell
 Bob Blackman
 Philip Davies
 Miss Anne McIntosh

Mr Stewart Jackson
 Sir Gerald Howarth
 Mr Peter Bone
 Jeremy Lefroy
 Mr David Nuttall
 Sir Alan Beith
 Karl McCartney
 Mr Julian Brazier

Mr Edward Leigh
 Geoffrey Clifton-Brown
 John Glen
 Mr Nigel Dodds
 Sir Roger Gale
 Sir James Paice
 Mr Julian Brazier
 Greg Mulholland

Marriage (Same Sex Couples) Bill, *continued*

Richard Drax	Heather Wheeler	Peter Aldous
Gordon Henderson	Mrs Anne Main	Nick de Bois
Mr James Gray	Mr Robert Walter	Charlotte Leslie
Mr Christopher Chope	Mark Durkan	Steve Baker
Mr Andrew Turner	Ms Margaret Ritchie	Harriett Baldwin
John Hemming	Mr Dominic Raab	

NC8

To move the following Clause:—

- ‘(1) For the purposes of this Act “compelled” includes, but is not limited to—
- (a) less favourable treatment of a person by a public authority,
 - (b) the imposition of any criminal or civil penalty, and
 - (c) any legal proceedings against a person as a result of a decision not to opt-in, conduct, be present at, carry out, participate in, or consent to the taking place of, relevant marriages.
- (2) Expressions used in this section have the same meaning as the expressions used in section 2 of this Act.’

Assessment of impact of repeal of Schedule 9 sub-paragraph 18(1) of the Equality Act 2010

Kate Green

NC17

★ To move the following Clause:—

‘The Secretary of State shall conduct a review of the cost to public and private pension providers, the impact on pensioner poverty, and the wider economic impact of repeal of Schedule 9 sub-paragraph 18(1) of the Equality Act 2010 and make a report to Parliament within 12 months of the completion of the review.’

Marriage (Same Sex Couples) Bill, continued*AMENDMENTS TO CLAUSE 2 OTHER THAN AMENDMENTS TO THE DEFINITION OF 'RELEVANT MARRIAGE' IN SUBSECTION (4), AMENDMENTS TO CLAUSE 8, AND AMENDMENTS TO SCHEDULE 7 RELATING TO SECTION 403 OF THE EDUCATION ACT 1996*

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Edward Leigh

Sir Gerald Howarth
 Mr Peter Bone
 Jeremy Lefroy
 Mr David Nuttall
 Sir Alan Beith
 Mr Julian Brazier
 Heather Wheeler
 Mrs Anne Main
 Mr Robert Walter
 Mr Andrew Turner

Geoffrey Clifton-Brown
 John Glen
 Mr Stewart Jackson
 Sir Roger Gale
 Philip Davies
 Miss Anne McIntosh
 Peter Aldous
 Nick de Bois
 Charlotte Leslie
 Harriett Baldwin

Mr William Cash
 Andrew Selous
 Mr Nigel Dodds
 Bob Blackman
 Karl McCartney
 Richard Drax
 Gordon Henderson
 Mr James Gray
 Steve Baker
 Mr Dominic Raab

2

Clause 2, page 3, leave out lines 21 and 22.

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.”.

Marriage (Same Sex Couples) Bill, *continued*

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Jim Dobbin
 Mr David Crausby
 Fiona Bruce

Craig Whittaker	Mr Stewart Jackson	Mr Edward Leigh
Dr Matthew Offord	Sir Gerald Howarth	Geoffrey Clifton-Brown
Mr William Cash	Mr Peter Bone	John Glen
Andrew Selous	Jeremy Lefroy	Mr Nigel Dodds
Dr William McCrea	Mr David Nuttall	Sir Roger Gale
Bob Blackman	Mark Durkan	Sir Alan Beith
Sir James Paice	Philip Davies	Karl McCartney
Greg Mulholland	Richard Drax	Heather Wheeler
Peter Aldous	Gordon Henderson	Mr Julian Brazier
Mrs Anne Main	Nick de Bois	Mr James Gray
Mr Robert Walter	Charlotte Leslie	Steve Baker
Mr Andrew Turner	Ms Margaret Ritchie	John Hemming

5

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

‘(4A) For the purposes of this Act “compelled” includes, but is not limited to—

- (a) less favourable treatment of a person by a public authority,
- (b) the imposition of any criminal or civil penalty, and
- (c) any legal proceedings against a person,

as a result of a decision not to opt-in, conduct, be present at, carry out, participate in, or consent to the taking place of, relevant marriages.’

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Jim Dobbin
 Mr David Crausby
 Fiona Bruce

Craig Whittaker	Mr Stewart Jackson	Mr Edward Leigh
Dr Matthew Offord	Sir Gerald Howarth	Geoffrey Clifton-Brown
Mr William Cash	Mr Peter Bone	John Glen
Andrew Selous	Jeremy Lefroy	Mr Nigel Dodds
Dr William McCrea	Mr David Nuttall	Sir Roger Gale
Bob Blackman	Sir Alan Beith	Sir James Paice
Philip Davies	Karl McCartney	Mr Julian Brazier
Miss Anne McIntosh	Richard Drax	Heather Wheeler
Peter Aldous	Gordon Henderson	Mrs Anne Main
Nick de Bois	Mr James Gray	Mr Robert Walter
Charlotte Leslie	Mark Durkan	Steve Baker
Mr Andrew Turner	Ms Margaret Ritchie	Harriett Baldwin
Mr Dominic Raab		

4

Clause 2, page 3, line 44, leave out subsection (5) and insert—

‘(5) In Schedule 3 to the Equality Act 2010 (services and public functions: exceptions), after Part 6 insert—

Marriage (Same Sex Couples) Bill, *continued*

“PART 6A

MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

Marriage according to religious rites: no compulsion to solemnise etc.

- 25A (1) A person does not contravene section 29 only because the person—
- (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.
- (2) For the avoidance of doubt, a person does not provide a service or exercise a public function when the person—
- (a) refrains from undertaking an opt-in activity, or
 - (b) undertakes an opt-out activity.
- (3) Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meanings to this paragraph as that section.”.

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh
 Geoffrey Clifton-Brown
 Andrew Selous
 Mr David Nuttall
 Mr William Cash
 Philip Davies
 Miss Anne McIntosh
 Heather Wheeler
 Mrs Anne Main
 Mr Robert Walter
 Steve Baker
 Harriett Baldwin

Dr Matthew Offord
 Mr Peter Bone
 Jeremy Lefroy
 Sir Roger Gale
 Sir Alan Beith
 Karl McCartney
 Greg Mulholland
 Peter Aldous
 Nick de Bois
 Charlotte Leslie
 Mr Andrew Turner
 Mr Dominic Raab

Sir Gerald Howarth
 John Glen
 Mr Nigel Dodds
 Bob Blackman
 Sir James Paice
 Mr Julian Brazier
 Richard Drax
 Gordon Henderson
 Mr James Gray
 Mark Durkan
 Ms Margaret Ritchie
 Simon Hughes

3

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 religious organisation not to opt-in, conduct, be present at, carry out, participate in, or consent to the taking place of, relevant marriages.’
-

Marriage (Same Sex Couples) Bill, *continued*

Secretary Maria Miller

24

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

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh
 Geoffrey Clifton-Brown
 John Glen
 Mr Nigel Dodds
 Bob Blackman
 Philip Davies
 Miss Anne McIntosh
 Heather Wheeler
 Mrs Anne Main
 Mr Robert Walter
 Steve Baker

Dr Matthew Offord
 Mr William Cash
 Andrew Selous
 Mr David Nuttall
 Sir Alan Beith
 Karl McCartney
 Greg Mulholland
 Peter Aldous
 Nick de Bois
 Charlotte Leslie
 Mr Andrew Turner

Sir Gerald Howarth
 Mr Peter Bone
 Jeremy Lefroy
 Sir Roger Gale
 Sir James Paice
 Mr Julian Brazier
 Richard Drax
 Gordon Henderson
 Mr James Gray
 Mark Durkan
 Ms Margaret Ritchie

1

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

‘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)—

- (a) no school shall be under any duty as a result of the guidance issued to promote or endorse an understanding of the nature of marriage and its importance for family life and the bringing up of children, that runs contrary to the designated religious character of the school.
- (b) this subsection is without prejudice to any guidance issued by the Secretary of State regarding the legal status of marriage.”’.

Marriage (Same Sex Couples) Bill, *continued*

NEW CLAUSES RELATING TO CIVIL PARTNERSHIP OR OTHER KINDS OF LEGALLY RECOGNISED RELATIONSHIPS BETWEEN PERSONS, AMENDMENTS TO CLAUSE 1, AMENDMENTS TO PART 3 OF SCHEDULE 4, NEW CLAUSES RELATING TO REFERENDUMS, AND AMENDMENTS TO CLAUSE 18

Review of civil partnership

Secretary Maria Miller

NC16

★ To move the following Clause:—

- ‘(1) The Secretary of State must arrange—
- (a) for the operation and future of the Civil Partnership Act 2004 in England and Wales to be reviewed, and
 - (b) for a report on the outcome of the review to be produced and published.
- (2) Subsection (1) does not prevent the review from also dealing with other matters relating to civil partnership.
- (3) The arrangements made by the Secretary of State must provide for the review to begin as soon as practicable after the end of the five year post-commencement period.
- (4) The Secretary of State is not required by this section to arrange a review if, within the five year post-commencement period, the Secretary of State has already arranged a review which, in the Secretary of State’s view, deals with the same matters as the review required by this section.
- (5) Arrangements under this section may provide for the Secretary of State or one or more other persons to undertake the review, produce the report, or publish the report.
- (6) In this section “five year post-commencement period” means the period of five years beginning with the day on which this Act is passed.’

Part 1 of the Civil Partnership Act 2004

Tim Loughton
 Caroline Lucas
 Craig Whittaker
 Mr Stewart Jackson
 Mark Durkan
 Greg Mulholland

Charlotte Leslie
 John Hemming

Mr Christopher Chope
 Simon Hughes

Steve Baker

NC10

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

Tim Loughton
 Caroline Lucas
 Craig Whittaker
 Mark Durkan
 Greg Mulholland
 Charlotte Leslie

Mr Christopher Chope
 Simon Hughes

Steve Baker

John Hemming

NC11

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”.’.

Repeal of Civil Partnership Act 2004

Greg Mulholland
 Charlotte Leslie

NC13

To move the following Clause:—

- ‘(1) The Civil Partnership Act 2004 is repealed.
- (2) Secondary legislation made under that Act shall continue in force unless it is subsequently amended or repealed, and any such amendments or repeals may be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) This section shall have effect on the date that the Marriage (Same Sex Couples) Act comes into force.’.

Simon Hughes

55

★ Clause 1, page 1, line 5, at beginning insert ‘Civil’.

Simon Hughes

64

★ Clause 1, page 1, line 5, after ‘couples’, insert ‘and couples whereby at least one person identifies as non-gender or bi-gender’.

Simon Hughes

56

★ Clause 1, page 1, line 6, after ‘The’ insert ‘civil’.

Marriage (Same Sex Couples) Bill, *continued*

Greg Mulholland
Charlotte Leslie

Clause 1, page 1, line 6, after 'same sex couple', insert 'or opposite sex couple'. **11**

Simon Hughes

★ Clause 1, page 1, line 19, after 'to' insert 'civil'. **57**

Greg Mulholland
Charlotte Leslie

Schedule 4, page 26, line 12, leave out paragraphs 3 and 4 and insert— **10**

Divorce

- 3 (1) Section 1 of the Matrimonial Causes Act 1973 (divorce on breakdown of marriage) is amended as follows.
(2) Leave out subsection (2)(a).

Annulment of marriage

- 4 (1) Section 12 of the Matrimonial Causes Act 1973 (grounds on which marriage is voidable) is amended as follows.
(2) Leave out paragraphs (a) and (b).'

Referendum provisions

Mr David Burrowes
Tim Loughton
Jim Shannon
Fiona Bruce
Craig Whittaker
Mr Stewart Jackson

Mr Edward Leigh
Mr Peter Bone
Dr William McCrea
Bob Blackman
Philip Davies
Richard Drax
Nick de Bois
Mr Andrew Turner

Dr Matthew Offord
Jeremy Lefroy
Mr David Nuttall
Mr William Cash
Mr Julian Brazier
Gordon Henderson
Mr James Gray

Sir Gerald Howarth
Mr Nigel Dodds
Sir Roger Gale
Sir Alan Beith
Miss Anne McIntosh
Mrs Anne Main
Mr Robert Walter

NC9

To move the following Clause:—

- '(1) A referendum is to be held in England and Wales on the issue of same sex marriage.

Marriage (Same Sex Couples) Bill, *continued*

- (2) The referendum must be held before 1 June 2016.
- (3) The referendum is to be held on 7 May 2015.
- (4) If the Secretary of State is satisfied that it is impossible or impracticable for the referendum to be held on 7 May 2015, or that it cannot be conducted properly if held on that day, the Secretary of State may by order appoint a later day as the day on which the referendum is to be held.
- (5) Where a day is appointed under subsection (4), the Secretary of State may by order make supplemental or consequential provision.
- (6) The Secretary of State must by order make provisions for the conduct of the referendum.
- (7) An order under this section may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (8) The question that is to appear on the ballot papers is—
“At present, the law in England and Wales defines marriage as the union of a man and a woman. Should the law be changed to define marriage as the union of two people—whether a man and a woman, or woman and a woman, or a man and a man?”.
- (9) Those entitled to vote in the referendum are the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency.’

Mr David Burrowes
 Tim Loughton
 Jim Shannon
 Fiona Bruce
 Craig Whittaker
 Mr Stewart Jackson

Mr Edward Leigh
 Mr Peter Bone
 Dr William McCrea
 Bob Blackman
 Philip Davies
 Richard Drax
 Nick de Bois
 Mr Andrew Turner

Dr Matthew Offord
 Jeremy Lefroy
 Mr David Nuttall
 Mr William Cash
 Mr Julian Brazier
 Gordon Henderson
 Mr James Gray

Sir Gerald Howarth
 Mr Nigel Dodds
 Sir Roger Gale
 Sir Alan Beith
 Miss Anne McIntosh
 Mrs Anne Main
 Mr Robert Walter

6

Page 14, line 15, leave out Clause 18 and insert—

- ‘(1) This Act may be cited as the Marriage (Same Sex Couples) Act 2013.
- (2) Section [*Referendum provisions*] come into force on the day on which this Act is passed.
- (3) Subject to subsections (2) and (4), this Act comes into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.
- (4) The Secretary of State may not bring any part of this Act into force unless the referendum provided for at section [*Referendum provisions*] delivers an affirmative outcome.

Marriage (Same Sex Couples) Bill, *continued*

- (5) For the purposes of subsection (4), an affirmative outcome shall be where a majority of votes cast in the referendum support the proposition contained in the referendum question.’.

Simon Hughes

- 60**
- ★ Clause 18, page 14, line 16, leave out ‘Marriage (Same Sex Couples)’ and insert ‘Civil Marriage’.

Secretary Maria Miller

- 53**
- ★ Clause 18, page 14, line 17, leave out ‘comes’ and insert ‘and section (*Review of civil partnership*) come’.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO HUMANIST MARRIAGE, REMAINING
AMENDMENTS TO CLAUSE 2, AMENDMENTS TO CLAUSE 5, AMENDMENTS TO
SCHEDULE 7 RELATING TO SECTION 46 OF THE MARRIAGE ACT 1949*

Marriages according to usages of approved organisations

Kate Green
Stephen Williams
Kelvin Hopkins
Dr Julian Huppert
Chris Bryant
Stephen Gilbert

Mike Weatherley

John Hemming

NC15

To move the following Clause:—

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

“47A Marriages according to usages of approved organisations

- (1) The Registrar General may by certificate approve organisations to solemnize marriages according to their usages provided that any such organisation—
- (a) is a registered charity principally concerned with advancing or practising the non-religious belief known as humanism;
 - (b) has been in continuous existence for five years; 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.

Marriage (Same Sex Couples) Bill, *continued*

- (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 solemnized 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.
 - (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 solemnized 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 solemnized 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 purporting to be signed by the principal officer or a registering officer of the approved organisation to the effect that each person giving notice of marriage is either a member of the said organisation or is authorised to be married according to the said usages under or in pursuance of a general rule of the said approved 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.
 - (9) A copy of any general rule of the said organisation purporting to be signed by the principal officer for the time being of the said organisation shall be admitted as evidence of the general rule in all proceedings touching the validity of any marriage solemnized according to the usages of the said organisation.”
- (2) Schedule [Consequential amendments—Marriage according to usages of approved organisations] has effect.’
-

Marriage (Same Sex Couples) Bill, *continued*

Kate Green
 Stephen Williams
 Kelvin Hopkins
 Dr Julian Huppert
 Chris Bryant
 Stephen Gilbert

Mike Weatherley

John Hemming

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 solemnized 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 approved 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 solemnized 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 solemnized 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 an 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”.
- (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”.

Marriage (Same Sex Couples) Bill, *continued*

- (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) there is inserted—
- “(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 solemnization 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.”.

Kate Green
 Stephen Williams
 Kelvin Hopkins
 Dr Julian Huppert
 Chris Bryant
 Stephen Gilbert

Mike Weatherley

19

Clause 2, page 3, line 28, at end insert—

‘(iA) section 47A (marriage according to the usages of approved organisations).’.

Marriage (Same Sex Couples) Bill, *continued*

Kate Green
 Stephen Williams
 Kelvin Hopkins
 Dr Julian Huppert
 Chris Bryant
 Stephen Gilbert

Mike Weatherley

20

Clause 5, page 6, line 29, after 'solemnized', insert 'and includes an organisation approved under section 47A(1).'

Kate Green
 Stephen Williams
 Kelvin Hopkins
 Dr Julian Huppert
 Chris Bryant
 Stephen Gilbert

Mike Weatherley

21

Schedule 7, page 49, line 16, after 'celebrated', insert 'and includes an organisation approved under section 47A(1).'

REMAINING PROCEEDINGS ON CONSIDERATION

Civil union

Greg Mulholland
 Charlotte Leslie

NC14

To move the following Clause:—

- '(1) Two people, whether they are of different or the same sex, may enter into a civil union if—
- (a) they are both aged 18 or over;
 - (b) they are not within prohibited degrees of relationship;
 - (c) they are not currently in a civil union with someone else.
- (2) A civil union must be solemnized by a Registrar.
- (3) No religious service is to be used while the civil union registrar is officiating at the signing of a civil union document.
- (4) A civil union ends only on death, dissolution or annulment.
- (5) The Marriage Act 1949 is repealed.'
-

Marriage (Same Sex Couples) Bill, continued

Marriage solemnized other than at a religious ceremony to be termed Civil Marriage

Simon Hughes

NC18

★ To move the following Clause:—

- ‘(1) Any marriage solemnized (whether before or after the passing of this Act) under Part 3 of the Marriage Act 1949 (Marriage under Superintendent Registrar’s Certificate), the Marriage (Registrar General’s Licence) Act 1970 or an Order in Council made under Part 1 or 3 of Schedule 6 (other than a marriage according to religious rites and usages) shall be termed a Civil Marriage.
- (2) The Secretary of State or Lord Chancellor may, by order, make such provision (including provision amending UK legislation) as the Secretary of State or Lord Chancellor considers appropriate in consequence of this section.’

Simon Hughes

58

★ Clause 9, page 9, line 5, at end insert ‘and such a marriage shall be a civil marriage’.

Dr Julian Huppert

15

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.’

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).’

Simon Hughes

59

★ Clause 15, page 12, line 15, at end insert—

- ‘(ba) an order under section (*Marriage solemnized other than at a religious ceremony to be termed Civil Marriage*).

Marriage (Same Sex Couples) Bill, *continued*

Secretary Maria Miller

26

Clause 15, page 12, line 36, leave out from ‘order’ to ‘would’ in line 38 and insert ‘or regulations under this Act, except an order under section 18(3), containing provision which’.

Secretary Maria Miller

27

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

Secretary Maria Miller

28

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’.

Secretary Maria Miller

51

★ Clause 17, page 14, line 1, at end insert ‘, except for section (*Review of civil partnership*)’.

Secretary Maria Miller

52

★ Clause 17, page 14, line 5, at end insert ‘, except for section (*Review of civil partnership*)’.

Secretary Maria Miller

29

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

Secretary Maria Miller

30

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

Simon Hughes

65

★ Schedule 3, page 23, line 34, after ‘couple’, insert ‘or a couple whereby at least one person identifies as non-gender or bi-gender’.

Simon Hughes

66

★ Schedule 3, page 23, line 36, after ‘couple’, insert ‘or a couple whereby at least one person identifies as non-gender or bi-gender’.

Marriage (Same Sex Couples) Bill, *continued*

Simon Hughes

67

- ★ Schedule 3, page 23, line 38, after ‘sex’, insert ‘or a person who identifies as non-gender or inter-gender’.

Secretary Maria Miller

31

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

Secretary Maria Miller

32

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

Secretary Maria Miller

33

- 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.

- (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—

“SCHEDULE A1

JURISDICTION IN RELATION TO MARRIAGE OF SAME SEX COUPLES

Introduction

26 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.’.

Marriage (Same Sex Couples) Bill, *continued*

- 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)”.
- 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—

Marriage (Same Sex Couples) Bill, *continued*

- “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.”’.

Caroline Lucas
Greg Mulholland

Schedule 4, page 33, leave out from line 42 to line 4 on page 34 and insert—
(2) Omit sub-paragraph (1).’.

49

Secretary Maria Miller

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.”’.

40

Secretary Maria Miller

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) ’.

41

Secretary Maria Miller

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

42

Secretary Maria Miller

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

43

Marriage (Same Sex Couples) Bill, *continued*

- (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—

- (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—

Marriage (Same Sex Couples) Bill, *continued*

- (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 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.”.

Marriage (Same Sex Couples) Bill, continued

Dr Julian Huppert

13

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).
- (b) the applicant is a party to a protected civil partnership and the Panel had decided not to issue a full gender recognition certificate to the other party to the civil partnership,
- (c) or the applicants 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

14

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

Hugh Bayley
 Caroline Lucas
 Kelvin Hopkins
 Jeremy Corbyn
 John Cryer
 Dr Julian Huppert

Martin Caton

Sandra Osborne

18

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

‘One-off compensation payment to couples whose marriages were 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

Marriage (Same Sex Couples) Bill, *continued*

- (ii) have continued to live together as a couple in the same household since the annulment of their marriage.
- (2) The couple shall be compensated from public funds to the amount of £1,000 by way of apology for the distress and costs incurred as a result of the annulment of their marriage.”.’.

Hugh Bayley
 Caroline Lucas
 Mr Andrew Mitchell
 Dr Julian Huppert
 Jeremy Corbyn
 Glenda Jackson

Mr John Leech
 Kelvin Hopkins
 Martin Caton
 John Hemming

John Cryer
 Chris Heaton-Harris
 Lucy Powell
 Sandra Osborne

Dr Julian Huppert
 Mr Shaun Woodward
 Sarah Champion

22

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

‘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 couple have continued to live together in the same household since the annulment of their marriage, and
 - (b) both partners to the former marriage give notice to a registrar that they wish their marriage to be reinstated.
- (2) When notice is given under (1)(b), the marriage shall be reinstated with effect from the date the couple give notice to have it reinstated.”.’.

Dr Julian Huppert

16

Schedule 5, page 40, leave out lines 30 and 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,

Marriage (Same Sex Couples) Bill, *continued*

- (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.’.
-

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.’.
-

Dr Julian Huppert

12

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

50

★ Schedule 7, page 52, line 26, at end add—

‘Public Order Act 1986 (c. 64)

- 42 (1) The Public Order Act 1986 is amended as follows.
- (2) For Section 29JA (protection of freedom of expression (sexual orientation)) substitute—

“Section 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.”’.

Simon Hughes

61

★ Title, line 1, after ‘the’ insert ‘civil’.

Marriage (Same Sex Couples) Bill, *continued*

Simon Hughes	62
★ Title, line 3, after ‘to’ insert ‘civil’.	
Simon Hughes	63
★ Title, line 3, after ‘the’ insert ‘civil’.	
Secretary Maria Miller	54
★ Title, line 4, after ‘overseas,’ insert ‘and for the review of civil partnership,’.	

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.

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.
-

MARRIAGE (SAME SEX COUPLES) BILL (PROGRAMME) (NO. 2)

Secretary Maria Miller

That the Order of 5 February 2013 (Marriage (Same Sex Couples) Bill (Programme)) be varied as follows:

1. Paragraphs 4, 5 and 6 of the order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.

Marriage (Same Sex Couples) Bill, continued

3. Proceedings on Consideration shall be taken on the days shown in the first column of the following Table and in the order so shown.
4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>First day</i>	
New Clauses relating to any of the following: (a) sex education, (b) conscientious or other objection to marriage of same sex couples, (c) equality law, (d) religious organisations' opt-in to marriage of same sex couples, and (e) protection against compulsion to solemnize marriages of same sex couples or to carry out activities in relation to the solemnization of such marriages, amendments to Clause 2 other than amendments to the definition of 'relevant marriage' in subsection (4), amendments to Clause 8, and amendments to Schedule 7 relating to section 403 of the Education Act 1996.	7.00 pm.
New Clauses relating to civil partnership or other kinds of legally recognised relationships between persons, amendments to Clause 1, amendments to Part 3 of Schedule 4, New Clauses relating to referendums, and amendments to Clause 18.	10.00 pm
<i>Second day</i>	
New Clauses and New Schedules relating to humanist marriage, remaining amendments to Clause 2, amendments to Clause 5, amendments to Schedule 7 relating to section 46 of the Marriage Act 1949, and remaining proceedings on consideration.	One hour before the moment of interruption on the second day.
5. 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.	

Marriage (Same Sex Couples) Bill, *continued*

NOTICES WITHDRAWN

The following Notices were withdrawn on 25 April:

NC12
Amendments 7, 8, 9.

The following Notices were withdrawn on 13 May:

Amendment 17.
