



House of Commons

Wednesday 18 July 2018

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

CIVIL PARTNERSHIPS, MARRIAGES AND DEATHS (REGISTRATION ETC.) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order to be proposed by Tim Loughton.

Tim Loughton

To move, That the Bill be considered in the following order, namely, new Clause 2, Clause 1, new Clause 1, Clauses 2 to 5, remaining new Clauses, remaining proceedings on the Bill.

Tim Loughton
Victoria Atkins

NC2

To move the following Clause—

“Marriage registration

- (1) The Secretary of State may, by regulations, amend the Marriage Act 1949 (“the 1949 Act”) to provide for a system whereby details relating to marriages in England and Wales are recorded in documents used as part of the procedure for marriage, and entered into and held in a central register which is accessible in electronic form.
- (2) The regulations may, in particular—
 - (a) provide that a Part 3 marriage may be solemnized on the authority of a single document (a “marriage schedule”) issued by the superintendent

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- registrar for the district in which the marriage is to be solemnized (instead of on the authority of two certificates of a superintendent registrar);
- (b) provide that a member of the clergy who is to solemnize a marriage authorised by ecclesiastical preliminaries must, before doing so, issue a document to enable the marriage to be registered (a “marriage document”) or ensure that a marriage document is issued;
 - (c) make provision in relation to the signing of a marriage schedule or marriage document following the solemnization of the marriage;
 - (d) make provision in relation to the delivery of a signed marriage schedule or signed marriage document to a registrar;
 - (e) require the Registrar General to maintain a register of marriages in England and Wales, which is accessible in electronic form (“the marriage register”);
 - (f) make provision in relation to the entering in the marriage register of the particulars set out in a signed marriage schedule or signed marriage document;
 - (g) remove existing provision in relation to the registration of marriages which is not to form part of the system provided for under this section.
- (3) Where provision made by virtue of subsection (2)(d) gives power to a registrar to require a person to attend personally at the office of a superintendent registrar for the purpose of delivering a signed marriage schedule or signed marriage document, the regulations may provide that a person who fails to comply with such a requirement—
- (a) commits an offence, and
 - (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The regulations may give the Registrar General power to make regulations under section 74(1) of the 1949 Act—
- (a) prescribing the form or content of a marriage schedule, marriage document or any other document specified in the regulations;
 - (b) making provision in relation to corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;
 - (c) making provision in relation to the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;
 - (d) making provision in relation to corrections to entries in the marriage register or a pre-commencement marriage register book;
 - (e) making provision in relation to the keeping of pre-commencement marriage register books;
 - (f) making provision in relation to the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England or the Church in Wales in the church or chapel.
- (5) For the purposes of subsection (4), provision in relation to the keeping of a book, document or other record includes, in particular, provision about—
- (a) who is to be responsible for keeping the book, document or other record and how it is to be stored;
 - (b) the circumstances in which the book, document or other record must or may be annotated;
 - (c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.
- (6) No regulations may be made by the Secretary of State under this section after a period of three years beginning with the day on which regulations are first so made.

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(7) In this section—

“ecclesiastical preliminaries” means the methods of authorisation described in section 5(1)(a), (b) or (c) of the 1949 Act;

“marriage document”, “marriage register” and “marriage schedule” have the meanings given by subsection (2)(b), (e) and (a) respectively;

“member of the clergy” means a clerk in Holy Orders of the Church of England or a clerk in Holy Orders of the Church in Wales;

“Part 3 marriage” means a marriage falling within section 26(1), 26A(1) or 26B(2), (4) or (6) of the 1949 Act;

“pre-commencement marriage register book” means any marriage register book in which the particulars of a marriage have been entered under that Act;

“registrar” means a registrar of marriages;

“Registrar General” means the Registrar General for England and Wales;

“superintendent registrar” means a superintendent registrar of births, deaths and marriages.”

Member’s explanatory statement

This new clause allows the Secretary of State to introduce a central, electronic system of marriage registration in England and Wales.

Tim Loughton
Victoria Atkins

2

Page 1, line 1, leave out Clause 1

Member’s explanatory statement

The amendment removes Clause 1, which is superseded by NC2.

Tim Loughton
Victoria Atkins

NC1

To move the following Clause—

“Report on civil partnership

(1) The Secretary of State must make arrangements for a report to be prepared—

(a) assessing how the law ought to be changed to bring about equality between same-sex couples and other couples in terms of their future ability or otherwise to form civil partnerships, and

(b) setting out the Government’s plans for achieving that aim.

(2) The arrangements must provide for public consultation.

(3) The Secretary of State must lay the report before Parliament.”

Member’s explanatory statement

This new clause provides for a report to be prepared on the changes which ought to be made to bring about equality between same-sex and other couples in terms of their future ability or otherwise to form civil partnerships. It replaces the current Clause 2 (see Amendment 1).

5

Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, *continued*

As Amendments to Tim Loughton's proposed New Clause (*Report on civil partnership*) (NC1):—

Conor McGinn
Gareth Thomas

(a)

Line 5, after “partnerships” insert—

“(aa) how the law could be changed in Scotland to achieve that aim,

(ab) how the law could be changed in Northern Ireland to achieve that aim.”

Member's explanatory statement

Together with Amendment (c) to NC1 and the consequential Amendment 16 to Clause 5, this amendment extends the scope of the report to considering equality in civil partnerships in Scotland and Northern Ireland.

Conor McGinn
Gareth Thomas

(b)

Line 6, at end insert—

“(1A) In considering the matter specified in paragraph (1)(ab), the Secretary of State shall also consider the implications for equality in civil partnerships of the difference in legislation on marriage in Northern Ireland compared with the rest of the United Kingdom.”

Member's explanatory statement

This amendment requires the Secretary of State's report to consider the implications of marriage law in Northern Ireland for equality in civil partnerships in Northern Ireland.

Conor McGinn
Gareth Thomas

(c)

Line 8, at end insert—

“(3A) The Secretary of State must also consult—

(a) Scottish Ministers,

(b) Northern Ireland Ministers.”

Member's explanatory statement

See explanatory statement for Amendment (a) to NC1.

Tim Loughton
Victoria Atkins

1

Page 1, line 7, leave out Clause 2.

Member's explanatory statement

This amendment is consequential on NC1.

Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, continued

Lilian Greenwood

- 17
- Clause 4, page 2, line 18, leave out “whether, and if so how,” and insert “how”
Member’s explanatory statement
This amendment would mean that the Secretary of State’s report would examine how the law should be changed, and not whether it should be changed.

Lilian Greenwood

- 18
- Clause 4, page 2, line 22, after “must” insert “, within six months of the passing of this Act,”
Member’s explanatory statement
This amendment would mean that the Secretary of State’s report must be published within six months of the Bill receiving Royal Assent.

Tim Loughton
Victoria Atkins

- 3
- Clause 4, page 2, line 23, leave out subsection (4)
Member’s explanatory statement
This amendment and Amendment 4 make a drafting change in response to Amendments 5 and 7 and NC3.

Tim Loughton
Victoria Atkins

- 4
- Clause 4, page 2, line 26, leave out “Investigation regulations may” and insert “After the report has been published, the Lord Chancellor may by regulations”
Member’s explanatory statement
See the explanatory statement for Amendment 3.

Tim Loughton
Victoria Atkins

- 5
- Clause 4, page 2, line 36, leave out subsection (6)
Member’s explanatory statement
This amendment is consequential on NC3.

Tim Loughton
Victoria Atkins

- 6
- Clause 4, page 2, line 43, leave out “Investigation” and insert “The”
Member’s explanatory statement
This amendment is consequential on Amendments 3 and 4.

Tim Loughton
Victoria Atkins

- 7
- Clause 4, page 3, line 6, leave out subsections (8) and (9)
Member’s explanatory statement
This amendment is consequential on NC3.

Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, *continued*

Tim Loughton
Victoria Atkins

- 8**
- Clause 4, page 3, line 10, leave out “investigation regulations may be made” and insert “regulations may be made under this section”
- Member’s explanatory statement***
This amendment is consequential on Amendments 3 and 4.
-

Conor McGinn
Gareth Thomas

- 16**
- Clause 5, page 3, line 13, leave out subsection (1) and insert—
- “(1) Sections 1, 3 and 4 extend to England and Wales,
(2) Section (*Report on civil partnership*) extends to England and Wales, Scotland and Northern Ireland.”
- Member’s explanatory statement***
See explanatory statement for Amendment (a) to NCI.

Tim Loughton
Victoria Atkins

- 9**
- Clause 5, page 3, line 13, at end insert “only, subject to subsection (1A).
(1A) Section (*Supplementary provision about regulations*) and this section extend to England and Wales, Scotland and Northern Ireland.”
- Member’s explanatory statement***
The amendment enables consequential amendments to be made to UK-wide legislation (even though the substantive changes to the law will relate to England and Wales only).

Tim Loughton
Victoria Atkins

- 10**
- Clause 5, page 3, line 14, leave out subsections (2) and (3) and insert—
- “() This Act comes into force at the end of the period of two months beginning with the day on which it is passed.”
- Member’s explanatory statement***
The amendment provides for the Bill to come into force two months after it receives Royal Assent.
-

Tim Loughton
Victoria Atkins

To move the following Clause—

- NC3**
- “Supplementary provision about regulations**
- (1) The Secretary of State may by regulations—
- (a) amend the Marriage of British Subjects (Facilities) Acts 1915 and 1916 so that they no longer apply in England and Wales;

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- (b) make other provision in consequence of regulations under section (*Marriage registration*).
- (2) The Lord Chancellor may by regulations make provision in consequence of regulations under section 4.
- (3) Regulations under subsection (1) or (2) may include provision amending, repealing or revoking provision made by or under primary legislation (whenever passed or made).
- (4) Regulations under this Act may make—
- (a) different provision for different purposes;
 - (b) provision generally or for specific cases;
 - (c) provision subject to exceptions;
 - (d) incidental, supplementary, transitional, transitory or saving provision.
- (5) Regulations under this Act are to be made by statutory instrument.
- (6) A statutory instrument that contains (with or without other provision) regulations under this Act that amend, repeal or revoke any provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
- “primary legislation” means—
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) an Act or Measure of the National Assembly for Wales;
 - (d) Northern Ireland legislation;
 - (e) a Measure of the Church Assembly or of the General Synod of the Church of England;
- “Registrar General” has the meaning given by section (*Marriage registration*)(7).”

Member’s explanatory statement

This new clause makes supplementary provision about regulations under the Act.

Tim Loughton
Victoria Atkins

11

Title, line 1, leave out from beginning to “make”

Member’s explanatory statement

This amendment, together with Amendment 13, reflects the changes proposed by Amendment 1 and NC1.

Tim Loughton
Victoria Atkins

12

Title, line 2, leave out from first “of” to “to” in line 3 and insert “marriage;”

Member’s explanatory statement

This amendment reflects the changes proposed by Amendment 2 and NC2.

Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, *continued*

Tim Loughton
Victoria Atkins

13

Title, line 3, after “partnership;” insert “to make provision for a report on civil partnerships;”

Member’s explanatory statement

See the explanatory statement for Amendment 11.

Tim Loughton
Victoria Atkins

14

Title, line 3, leave out “about the registration of stillborn deaths” and insert “for a report on the registration of pregnancy loss”

Member’s explanatory statement

This amendment adjusts the long title so as better to reflect the contents of Clause 3.

Tim Loughton
Victoria Atkins

15

Title, line 4, leave out “give coroners the power to investigate stillborn deaths” and insert “make provision about the investigation of still-births”

Member’s explanatory statement

This amendment adjusts the long title so as better to reflect the contents of Clause 4.
