

Same Sex Marriage (Church of England)

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Enable clergy of the Church of England to conduct same sex marriages on Church of England premises in certain circumstances; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Marriage of same sex couples in the Church of England

- (1) The marriage of a same sex couple may be solemnized according to the rites of the Church of England, in a church or chapel, by a member of the clergy.
- (2) The General Synod of the Church of England may prescribe the circumstances under which the marriage of a same sex couple may take place under this section. 5
- (3) Subsection (4) applies to a marriage carried out according to the rites of the Church of England.
- (4) No person may be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement)— 10
 - (a) to conduct the marriage of a same sex couple,
 - (b) to be present at, carry out, or otherwise participate in, the marriage of a same sex couple, or
 - (c) to consent to the marriage of a same sex couple being conducted, where the reason for the person not doing that thing is that the marriage is of a same sex couple. 15

2 Consequential amendments

- (1) The Marriage Act 1949 is amended as follows.
- (2) In section 26 (Marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary), for paragraph (1)(e) there is substituted— 20
 - “(e) a marriage of any couple according to the rites of the Church of England in any church or chapel in which banns of matrimony may be published;”

- (3) In section 26A (Opt-in to marriage of same sex couples: places of worship), subsection (5) is omitted.
- (4) In section 26B (Opt-in to marriage of same sex couples: other religious ceremonies), in paragraph (6)(a), the words “(other than the rites of the Church of England)” are omitted. 5
- (5) In section 68 (Solemnization of marriages in naval, military, and air force chapels), subsection (1A) is omitted.

3 Interpretation

In this Act—

- (a) “church or chapel” means any building, or any part of any building, which is licensed for public worship according to the rites and ceremonies of the Church of England, 10
- (b) “member of the clergy” means a clerk in Holy Orders of the Church of England.

4 Short title, commencement and extent

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- (1) This Act may be cited as the Same Sex Marriage (Church of England) Act 2023.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act extends to England and Wales.

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*Presented by Mr Ben Bradshaw
supported by Margaret Beckett, Hilary Benn,
Sir Peter Bottomley, Sir Chris Bryant,
Sir Robert Buckland, Daisy Cooper,
Ms Harriet Harman, Dame Diana Johnson,
Caroline Lucas, Caroline Nokes and Iain Stewart.*

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