

Civil Partnerships, Marriages and Deaths (Registration etc) Bill

[AS AMENDED IN COMMITTEE]

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B I L L

TO

Make provision about the registration of marriage; to make provision for the extension of civil partnerships to couples not of the same sex; to make provision for a report on the registration of pregnancy loss; to make provision about the investigation of still-births; and for connected purposes.

BE IT ENACTED by the Queen’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 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. 5
- (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 registrar for the district in which the marriage is to be solemnized (instead of on the authority of two certificates of a superintendent registrar); 10
 - (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; 15
 - (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; 20
 - (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. 5
- (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 – 10
- (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 – 15
- (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; 20
- (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; 25
- (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. 30
- (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; 35
- (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. 40
- (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; 45
- “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.

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2 Extension of civil partnership

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(1) The Secretary of State may, by regulations, amend the Civil Partnership Act 2004 so that two persons who are not of the same sex are eligible to form a civil partnership in England and Wales (provided that they would be eligible to do so apart from the question of sex).

(2) The Secretary of State must exercise that power so that such regulations are in force no later than 31 December 2019.

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(3) The Secretary of State may, by regulations, make any other provision that appears to the Secretary of State to be appropriate in view of the extension of eligibility to form civil partnerships in England and Wales to couples who are not of the same sex.

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(4) Regulations under subsection (3) may, in particular, make provision about—

- (a) parenthood and parental responsibility of parties to a civil partnership;
- (b) the application by a party to a civil partnership for a gender recognition certificate under the Gender Recognition Act 2004, or the issuing of such a certificate, and the consequences of that application or issuing for the civil partnership;
- (c) the financial consequences of civil partnership (for example, in relation to pensions or social security);
- (d) the treatment under the law of England and Wales as civil partnerships of similar relationships formed outside the United Kingdom.

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(5) The Secretary of State may, by regulations, make provision—

- (a) for and in connection with a right to convert a marriage into a civil partnership (including any provision equivalent or similar to that contained in or authorised by section 9 of the Marriage (Same Sex Couples) Act 2013);

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- (b) restricting or bringing to an end—

- (i) the right to convert a civil partnership into a marriage conferred by section 9(1) or (2) of the Marriage (Same Sex Couples) Act 2013 (including as it applies or would apply by virtue of regulations under this section);

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- (ii) any right conferred under paragraph (a).

(6) Before making regulations under subsection (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(7) The Secretary of State may, by regulations, make any provision that the Secretary of State considers appropriate in order to protect the ability to act in accordance with religious belief in relation to civil partnership (including the conversion of civil partnership into marriage and vice versa).

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- (8) Regulations under subsection (3), (5) or (7) may include provision amending, repealing or revoking primary legislation passed or made before the end of the Session in which this Act is passed.
- (9) In this section –
- (a) reference to forming a civil partnership in England and Wales includes reference to registering as civil partners outside the United Kingdom by virtue of eligibility to do so in England and Wales (in accordance with section 210(2)(b) or 211(2)(b) of the Civil Partnership Act 2004); 5
 - (b) “primary legislation” means –
 - (i) an Act of Parliament; 10
 - (ii) an Act or Measure of the National Assembly for Wales;
 - (iii) a Measure of the Church Assembly or of the General Synod of the Church of England.
- 3 Report on registration of pregnancy loss**
- (1) The Secretary of State must make arrangements for the preparation of a report on whether, and if so how, the law ought to be changed to require or permit the registration of pregnancy losses which cannot be registered as still-births under the Births and Deaths Registration Act 1953. 15
- (2) For the purposes of this section, a pregnancy loss occurs when a person’s pregnancy ends and, after being parted from the person, the foetus does not breathe or show any other sign of life. 20
- (3) In the case of a multiple pregnancy, subsection (2) applies as if there were a separate pregnancy in respect of each foetus.
- (4) The Secretary of State must publish the report prepared under this section.
- 4 Coroners’ investigations into still-births** 25
- (1) The Secretary of State must make arrangements for the preparation of a report on whether, and if so how, the law ought to be changed to enable or require coroners to investigate still-births.
- (2) For the purposes of this section, “still-births” is to be read in accordance with section 41 of the Births and Deaths Registration Act 1953. 30
- (3) The Secretary of State must publish the report prepared under this section.
- (4) After the report has been published, the Lord Chancellor may by regulations amend Part 1 of the Coroners and Justice Act 2009 (coroners etc) to –
- (a) enable or require coroners to conduct investigations into still-births (whether by treating still-births as deaths or otherwise); 35
 - (b) specify the circumstances in which those investigations are to take place (including by limiting the duty or power to investigate to certain descriptions of still-birth);
 - (c) provide for the purposes of those investigations;
 - (d) make provision equivalent or similar to provision in that Part relating to investigations into deaths. 40
- (5) The regulations may not –
- (a) create any offence, or
 - (b) confer any power to make provision of a legislative character,

other than by applying (with necessary modifications), or making equivalent or similar provision to, provision already contained in Part 1 of the Coroners and Justice Act 2009.

- (6) No regulations may be made under this section after the period of five years beginning with the day on which the report is published under subsection (3). 5

5 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;
 - (b) make other provision in consequence of regulations under section 1. 10
- (2) The Secretary of State may by regulations make provision in consequence of regulations under section 2.
- (3) The Lord Chancellor may by regulations make provision in consequence of regulations under section 4.
- (4) Regulations under subsection (1), (2) or (3) may include provision amending, repealing or revoking provision made by or under primary legislation (whenever passed or made). 15
- (5) Regulations under this Act may make –
- (a) different provision for different purposes;
 - (b) provision generally or for specific cases; 20
 - (c) provision subject to exceptions;
 - (d) incidental, supplementary, transitional, transitory or saving provision.
- (6) Regulations under this Act are to be made by statutory instrument.
- (7) A statutory instrument that contains (with or without other provision) –
- (a) regulations under section 2, or
 - (b) regulations under any other section of 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.
- (8) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 30
- (9) 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; 35
 - (d) Northern Ireland legislation;
 - (e) a Measure of the Church Assembly or of the General Synod of the Church of England.

6 Extent, commencement and short title

- (1) This Act extends to England and Wales only, subject to subsection (2). 40
- (2) Section 5 and this section extend to England and Wales, Scotland and Northern Ireland.

- (3) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (4) This Act may be cited as the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019.

Civil Partnerships, Marriages and Deaths (Registration etc) Bill

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[AS AMENDED IN COMMITTEE]

To make provision about the registration of marriage; to make provision for the extension of civil partnerships to couples not of the same sex; to make provision for a report on the registration of pregnancy loss; to make provision about the investigation of still-births; and for connected purposes.

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