

Marriage (Approved Organisations) Bill [HL]

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Schedule – Consequential amendments to the Marriage Act 1949

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B I L L

TO

Amend the law on marriage to permit authorised belief organisations to solemnise marriages.

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 Marriages according to the usages of approved organisations

In the Marriage Act 1949, after section 47, insert the following section—

“47A Marriages according to the usages of authorised belief organisations

- (1) An authorised belief organisation may solemnise marriages according to its usages provided that no religious service may be used at such marriages. 5
- (2) For the purposes of subsection (1), the British Humanist Association is an authorised belief organisation.
- (3) The Secretary of State may, by regulations made by statutory instrument, authorise further belief organisations for the purposes of subsection (1). 10
- (4) Upon authorisation, a belief organisation 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. 15
- (5) The principal officer shall, within one working day of a person being so appointed—
 - (a) 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 the persons live, on a form supplied for that purpose by the Registrar General (a “certification form”); 20

- (b) provide on the certification form –
- (i) the name and address of the authorised belief organisation in respect of which the person is authorised under subsection (1); and
 - (ii) such other information as the Registrar General has indicated is necessary for the purposes of the certification and authorisation; and
- (c) sign the certification form.
- (6) The appointed person must sign the certification form to indicate their consent to being authorised under subsection (1). 10
- (7) For the purposes of subsections (4) to (6), “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.
- (8) A marriage shall not be solemnised according to the usages of an authorised belief 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. 15
- (9) If the Registrar General is not satisfied with respect to any registering officer of an authorised belief organisation that sufficient security exists for the safe custody of marriage register books, he or she may suspend the appointment of that registering officer. 20
- (10) A marriage to which this section applies shall be solemnised 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 (4) whose name and address have been certified in accordance with subsection (5),
- 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. 30
- (11) A marriage solemnised according to the usages of an authorised belief 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 said organisation to the effect that at least one person giving notice of marriage is a member of the organisation and that the other is either a member of the organisation or authorised to be married according to its usages under or in pursuance of a general rule of the said organisation. 35 40
- (12) A certificate under subsection (11) 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 relevant authorised belief 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 Part IV, shall be conclusive evidence of the production of such a certificate. 45
- (13) A copy of any general rule of the relevant authorised belief organisation purporting to be signed by the principal officer for the

time being of the organisation shall be admitted as evidence of the general rule in all proceedings touching the validity of any marriage solemnised according to the usages of the organisation.

- (14) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.” 5

2 Consequential amendments

The Marriage Act 1949 shall have effect subject to the amendments specified in the Schedule to this Act.

3 Extent, commencement and citation 10

- (1) This Act extends to England and Wales only.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act may be cited as the Marriage (Approved Organisations) Act 2020 and together with the Marriage Acts 1949 to 1994, the Marriage (Wales) Acts 1986 to 2010, the Marriage (Same Sex Couples) Act 2013 and the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 may be cited as the Marriage Acts 1949 to 2020. 15

SCHEDULE

Section 2

CONSEQUENTIAL AMENDMENTS TO THE MARRIAGE ACT 1949

- (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) – 5
 - (a) after subsection (1)(c), insert –
 - “(cc) a marriage of any couple according to the usages of an authorised belief organisation;”
 - (b) in subsection (2)(a) after “subsection (1)(c)” insert “, (cc)”.
- (3) In section 35 (marriages in registration district in which neither party resides) in subsection (4) after “the Society of Friends” insert “or of an authorised belief organisation”. 10
- (4) In section 43 (appointment of authorised persons) in subsection (3) after “the Society of Friends” insert “or of an authorised belief organisation”.
- (5) In section 43B (buildings registered under section 43A: appointment of authorised persons) in subsection (8) after “the Society of Friends” insert “or of an authorised belief organisation”. 15
- (6) In section 44D (sections 44A to 44C: supplementary provision), after subsection (4)(a), insert –
 - “(aa) marriages of same sex couples according to the usages of an authorised belief organisation, and” 20
- (7) In section 50 (person to whom certificate to be delivered), after subsection (1)(d), insert –
 - “(dd) if the marriage is to be solemnised according to the usages of an authorised belief organisation, a registering officer of the said organisation” 25
- (8) In section 53 (persons by whom marriages are to be registered), after paragraph (b) insert –
 - “(bb) in the case of a marriage solemnised according to the usages of an authorised belief organisation, by a registering officer of the said organisation;” 30
- (9) In section 54 (provision of marriage register books by Registrar General), in subsection (1) after “the Society of Friends,” insert “registering officer of an authorised belief organisation”.
- (10) In section 55 (manner of registration of marriages) – 35
 - (a) in subsection (1) after “the Society of Friends” insert “or of an authorised belief organisation”; and

- (b) in subsection (1)(b) after “the Society of Friends” insert “or an authorised belief organisation” and after “the said Society” insert “or the said organisation”.
- (11) In section 57 (quarterly returns to be made to superintendent registrar), in subsection (1) after “the Society of Friends” insert “or of an authorised belief organisation”. 5
- (12) In section 59 (custody of register books) after “the Society of Friends” insert “or of an authorised belief organisation”.
- (13) In section 60 (filled register books) –
- (a) in subsection (1)(b), after “registering officer of the Society of Friends” insert “or of an authorised belief organisation”; 10
- (b) after the words “members of the Society of Friends” insert “or of an authorised belief organisation”, and after the words “the said Society” insert “or the said organisation”.
- (14) In section 63 (searches in register books) after the words “the Society of Friends” insert “or of an authorised belief organisation”. 15
- (15) In section 67 (interpretation of Part IV), in the definition of “superintendent registrar” after paragraph (b) insert –
- “(bb) in the case of a marriage registered by a registering officer of an authorised belief organisation, the superintendent registrar of the registration district which is assigned by the Registrar General to that registering officer;” 20
- (16) In section 75 (offences relating to solemnisation of marriages) –
- (a) in subsection (1)(a), after “the Society of Friends” insert “or of an authorised belief organisation”; 25
- (b) in subsection (2)(a), after “the Society of Friends” insert “or of an authorised belief organisation”.
- (17) In section 78 (interpretation), in subsection (1) insert the following –
- ““authorised belief organisation” means a belief organisation that has been authorised by section 47A(2) or under section 47A(3) of this Act to perform marriages according to its usages; 30
- “belief organisation” means an organisation whose principal or sole purpose is the advancement of a system of non-religious beliefs which relate to morality or ethics, and which meets regularly for that purpose; 35
- “British Humanist Association” means the British Humanist Association, a company limited by guarantee and registered charity No 285987;”
- “registering officer of an authorised belief organisation” means a person whom the principal officer of an authorised belief organisation certifies in writing under his or her hand to the Registrar General to be a registering officer in England or Wales of the said organisation;” 40

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B I L L

To amend the law on marriage to permit authorised belief organisations to solemnise marriages.

Baroness Meacher

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