

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT MARRIAGE (SAME SEX COUPLES) ACT
2013 (CONSEQUENTIAL AND CONTRARY
PROVISIONS AND SCOTLAND) AND MARRIAGE
AND CIVIL PARTNERSHIP (SCOTLAND) ACT 2014
(CONSEQUENTIAL PROVISIONS) ORDER 2014

DRAFT MARRIAGE OF SAME SEX COUPLES
(CONVERSION OF CIVIL PARTNERSHIP)
REGULATIONS 2014

DRAFT CONSULAR MARRIAGES AND
MARRIAGES UNDER FOREIGN LAW (NO. 2)
ORDER 2014

Monday 10 November 2014

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The Committee consisted of the following Members:

Chair: MR GARY STREETER

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| † Baldwin, Harriett (<i>Lord Commissioner of Her Majesty's Treasury</i>) | † Maynard, Paul (<i>Blackpool North and Cleveleys</i>) (Con) |
| † Boles, Nick (<i>Minister for Skills and Equalities</i>) | † Morris, Grahame M. (<i>Easington</i>) (Lab) |
| † Bray, Angie (<i>Ealing Central and Acton</i>) (Con) | † Phillipson, Bridget (<i>Houghton and Sunderland South</i>) (Lab) |
| Cooper, Rosie (<i>West Lancashire</i>) (Lab) | Simpson, David (<i>Upper Bann</i>) (DUP) |
| † Doran, Mr Frank (<i>Aberdeen North</i>) (Lab) | Sutcliffe, Mr Gerry (<i>Bradford South</i>) (Lab) |
| † Fabricant, Michael (<i>Lichfield</i>) (Con) | † Thornton, Mike (<i>Eastleigh</i>) (LD) |
| † Hemming, John (<i>Birmingham, Yardley</i>) (LD) | † White, Chris (<i>Warwick and Leamington</i>) (Con) |
| † Hodgson, Mrs Sharon (<i>Washington and Sunderland West</i>) (Lab) | † Wollaston, Dr Sarah (<i>Totnes</i>) (Con) |
| † McCartney, Jason (<i>Colne Valley</i>) (Con) | Lloyd Owen, <i>Committee Clerk</i> |
| McGovern, Jim (<i>Dundee West</i>) (Lab) | † attended the Committee |

First Delegated Legislation Committee

Monday 10 November 2014

[MR GARY STREETER *in the Chair*]

Draft Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014

4.30 pm

The Minister for Skills and Equalities (Nick Boles): I beg to move,

That the Committee has considered the draft Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014.

The Chair: With this it will be convenient to consider the draft Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 and the draft Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014.

Nick Boles: It is a pleasure to serve under your chairmanship today, Mr Streeter. I am delighted to be able to bring before the Committee statutory instruments to allow conversion of civil partnerships into marriages and to allow couples who wish to do so to remain married if one or both of them change their legal gender.

It is probably right for me to declare an interest, because I am in a civil partnership and my other half has been pressing me, somewhat insistently, for the opportunity to do what many of his friends have already done, which is to enter into a marriage. I hope therefore that the Committee will solve that little problem at home for me, as well as for many other people.

There has been a lot of discussion about the proposals over the summer, since we first laid draft instruments in July that people felt were too restrictive. I am grateful in particular to a number of noble lords and ladies, not least Lord Collins, Baroness Neuberger, Lord Alli, Lord Paddick and Lord Lester, and many others for their helpful contributions to the development of the revised proposals, which provide a greater degree of flexibility and allow conversions to be completed in the same range of venues where same-sex couples may marry.

The draft Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 set out the procedure for couples in England and Wales who wish to convert their civil partnership into a marriage. The regulations provide flexibility. If the couple want, the procedure may be completed in one visit to the superintendent registrar. The couple provide evidence of their identity and sign a declaration that they are in a civil partnership

with each other and wish to convert it into a marriage. The superintendent registrar also signs, and that is all that is needed.

Alternatively, however, the couple may go to the superintendent registrar with the required evidence and complete the conversion into marriage by signing the declaration in the place where a ceremony is to be held. That may include religious premises, where the consents required under the Marriage (Same Sex Couples) Act 2013 have been obtained and where a ceremony under section 46 of the Marriage Act 1949 is to follow the conversion. We put a lot of effort during the passage of the 2013 Act into ensuring that appropriate religious protections were put in place, including protection where ceremonies are held under section 46 of the Marriage Act following conversions into marriage. We have made the way that works clearer, and I will return to that in a moment when I discuss the next statutory instrument.

If the couple cannot travel to a register office, because one of them is housebound, detained or seriously ill and not expected to recover, the couple may convert their civil partnership where they are and may follow that with a ceremony, including a religious one. The draft regulations will also allow the conversion into marriage at certain consulates and armed forces bases overseas. The authorities in the relevant host country must have consented to the arrangement.

The draft Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 does four things. First, it makes necessary consequential amendments to primary legislation. Most significantly, it amends section 46 of the Marriage Act 1949. The 2013 Act amended section 46 of the 1949 Act to include ceremonies following the conversion of a civil partnership into a marriage and applied the religious protections to such ceremonies. The draft order makes it clear that such a ceremony may be held following a housebound, detained or deathbed conversion, or armed forces conversions where they take place overseas, and that the religious protections apply appropriately by naming the appropriate Jewish and Quaker governing authorities and by ensuring that it is clear that ceremonies of other religions are covered.

Secondly, the draft order makes amendments required as a consequence of the 2013 Act to enable couples who wish to do so to stay married where one or both of them change legal gender. In particular, when a person changes gender, the amendments ensure that the spouse will not lose any pension expectations that they might otherwise have had. The order also makes other miscellaneous amendments, including specific provision in relation to particular pension schemes.

Finally, the draft order revokes article 5 of the earlier Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014, under which marriages of same-sex couples solemnised in England and Wales are treated as civil partnerships in Scotland. From 16 December, when marriage of same-sex couples will become possible in Scotland, they can be recognised as marriages under Scottish law too. This order also makes associated transitional and saving arrangements and further amendments identified in consequence of the Marriage and Civil Partnership (Scotland) Act 2014.

Finally, the draft Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014 revokes and re-enacts, with some additional provisions, an order made earlier this year. It provides for consular marriages and the issuing of certificates of no impediment by consular officers where a marriage is to take place under foreign law; enables the Registrar General for England and Wales to pass on to the Registrar General for Scotland relevant consular marriage certificates; allows the Registrars General to provide certified copies of certificates; and allows superintendent registrars to issue certificates of no impediment.

The instruments are necessary to allow couples in civil partnerships to convert their relationship into marriage, and to enable couples where one or both changes legal gender to remain married, which is of very great significance to those couples. I hope that I will be forgiven for briefly referring to the case of a couple—Clive and Kelvin. Clive Jones and Kelvin Beer met 20 years ago and formed a relationship. They celebrated their civil partnership in January 2007 and wanted to convert it to marriage. Unfortunately Clive recently contracted a terminal illness and approached the Government to see whether it would be possible for us to expedite the regulations so that he and his partner could convert their partnership to a marriage while he was still alive.

We looked very hard at that. I want to mention the excellent work of the Government Equalities Office and the General Register Office, on that matter and on revising the regulations during the summer. Unfortunately it was not possible for us to accelerate the process of the regulations, and very sadly Clive died on 16 October. I know that you, Mr Streeter, and the entire Committee, will want to express our best wishes to Clive's partner, Kelvin. Our belief, and that of all his friends and their families, is that what they enjoyed together was a marriage, in the eyes of anyone who knew them, and would have become a marriage in law if only Clive had lived on. I hope that we will bear the case of Clive and Kelvin Beer-Jones in mind when we vote on the regulations.

4.38 pm

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): It is a pleasure to follow the Minister, who has spoken so well. I sincerely concur with the sentiments he expressed just now.

It is a pleasure to speak under your chairmanship, Mr Streeter, and to approve the important last measures that are required for the implementation of the Marriage (Same Sex Couples) Act 2013. You will be pleased to know that I do not intend to detain you or the Committee long. In fact, it would have been preferable if we had not needed this Committee meeting today, and if the measures before us had been approved in February when we last considered similar instruments; or if the Government had got things right in the first place, when they were put forward in July. That is very relevant in view of what the Minister just said.

Leaving things until so close to the deadline is by no means ideal—not least for my noble Friend Baron Collins of Highbury, who has been anxious that they should be passed in good time for his planned conversion celebration, which is all booked and organised. I believe that the invites have been sent out, so there will be one happy couple who can relax and look forward to their big day, which I think is very soon—next month, obviously.

When we passed the statutory instruments allowing the first same-sex marriages to take place, we were only five weeks from the stated date; with these, we are down to just one calendar month. I suppose, however, that we legislate in haste and amend at leisure, so it is still welcome that we are finally here discussing these measures.

As in many other areas, the changes to the measures between July and now owe much to the excellent and collegiate work that goes on in the other place. In particular, it would be remiss of me not to praise the persistence and vigilance of my noble Friends Baron Alli of Norbury, who is a long-standing and formidable champion of gay rights, and Baroness Thornton, a good friend and colleague, who is brilliant in the shadow women and equalities team, and who is, it is safe to say, probably one of the hardest working Members of the other place—if that does not get me a drink, I do not know what will.

While many colleagues in the Commons were off sunning themselves in warmer climes or working in their constituencies at the start of our summer recess, my two noble Friends and others were still on duty in the other place, making it known to Ministers and their officials that the original versions of these instruments were inadequate, which eventually led to their being taken back to the drawing board. Thankfully the versions we have before us today are much better, and credit must be given to the Government for listening to those concerns. The Opposition are happy to lend the Minister our support today, should we be forced to vote, as we were, regrettably, last time.

I said at our previous discussion, and it is worth saying again today, that it is rare for a parliamentarian to see through the House a piece of legislation that will have a direct impact on making so many people so happy for so many years to come. We have seen the joy of all those couples who have been married since the Act's main provisions came into effect in March. In passing these further measures, we have the privilege of creating more joy for those who wish to convert from civil partnerships to marriage. I am sure it is the sheer volume of joy we have already witnessed, and are yet to witness, that contributed to the damascene conversion to the virtues of equality in marriage of the Minister for Women and Equalities, who is also the Secretary of State for Education. Whatever the reason, the Opposition are pleased that she has changed her mind and has been won over to the cause, and that we are finally able to get these last measures on the statute book.

In closing, I have just one question for the Minister. In his closing remarks, will he tell us what guidance and training will be provided for those whose job it is to administer conversions to ensure, primarily, that ceremonies are treated not as a bureaucratic procedure, but as the joyous events that we and the couples who are converting want them to be?

Sadly, I am yet to receive an invite to a conversion ceremony, but I hope that my good friends Mark and David, who entered into a civil partnership a few years back, will soon consider inviting me. Now that I have mentioned it in the House, perhaps that will happen—I await my invite in the post.

4.43 pm

Nick Boles: I very much welcome the support of the Opposition. Like the hon. Member for Washington and Sunderland West, I pay tribute to the contribution of

[Nick Boles]

noble Lords. I did not mention Baroness Thornton in my list, but I am also grateful to her for her contribution to getting the legislation right. That is, ultimately, what we are all here to do.

The hon. Lady is absolutely right that, although we do not vote on it, guidance is almost as important as these provisions in working out what people will actually do. Full guidance will be provided to registrars at all levels about what they should want to be thinking about when it comes to the ceremonies people might wish for. It is interesting that some people want the registrar to sign the declaration and not to say a word, while others want them to conduct a full-blown ceremony with dancers, choirs and the like. Registrars are, therefore, expected to be flexible and not to impose any thinking, but to offer possibilities. Indeed, that is what registrars throughout the country already do, and we will make it clear that that is what we will expect them to do.

On 22 October, a general registrar circular and question pamphlet about the new process was circulated. Officials have attended several regional group meetings for registration officers and there are two training days planned; the first is tomorrow in the north and the second is on 2 December in the south. The revised handbook for registration officers is due to be launched next week and there is a dedicated page on the registrars'

website providing updated information. Many local authorities have started sharing information on their websites. There is a great deal of activity and we will be encouraging everybody involved in the ceremonies and conversions to be as flexible and forthcoming as possible to couples who want to celebrate a very happy moment.

Question put and agreed to.

**DRAFT MARRIAGE OF SAME SEX COUPLES
(CONVERSION OF CIVIL PARTNERSHIP)
REGULATIONS 2014**

Resolved,

That the Committee has considered the draft Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014.—*(Nick Boles.)*

**DRAFT CONSULAR MARRIAGES AND
MARRIAGES UNDER FOREIGN LAW (NO. 2)
ORDER 2014**

Resolved,

That the Committee has considered the draft Consular Marriages and Marriages under Foreign Law (No.2) Order 2014.—*(Nick Boles.)*

4.46 pm

Committee rose.