



# Marriage (Same Sex Couples) Act 2013

## 2013 CHAPTER 30

### PART 3

#### FINAL PROVISIONS

#### 17 Transitional and consequential provision

- (1) The Secretary of State or Lord Chancellor may, by order, make such transitional, transitory or saving provision as the Secretary of State or Lord Chancellor considers appropriate in connection with the coming into force of any provision of this Act.
- (2) The Secretary of State or Lord Chancellor may, by order, make such provision as the Secretary of State or Lord Chancellor considers appropriate in consequence of this Act.
- (3) The provision that may be made by an order under subsection (1) or (2) includes provision amending UK legislation.
- (4) Schedule 7 (transitional and consequential provision etc) has effect.

#### Commencement Information

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| <b>I1</b> | S. 17(1)-(3) in force at 31.10.2013 by <a href="#">S.I. 2013/2789, art. 3(b)</a>                            |
| <b>I2</b> | S. 17(4) in force at 13.3.2014 for specified purposes by <a href="#">S.I. 2014/93, art. 3(k)</a>            |
| <b>I3</b> | S. 17(4) in force at 3.6.2014 for specified purposes by <a href="#">S.I. 2014/93, art. 5(d)</a>             |
| <b>I4</b> | S. 17(4) in force at 10.12.2014 in so far as not already in force by <a href="#">S.I. 2014/3169, art. 2</a> |

#### 18 Orders and regulations

- (1) Any power of the Secretary of State or Lord Chancellor to make an order or regulations under this Act is exercisable by statutory instrument.

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*Changes to legislation:* There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, PART 3. (See end of Document for details)

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- (2) The following subordinate legislation may not be made by the Secretary of State or Lord Chancellor unless a draft of the statutory instrument containing the legislation has been laid before, and approved by resolution of, each House of Parliament—
- (a) an order under section 8;
  - (b) the first regulations under section 9(1);
  - (c) the first regulations under section 9(2);
  - (d) an order under section 14;
  - (e) an order under section 16;
  - (f) an order under section 17(1) or (2) which amends an Act of Parliament;
  - (g) an order under paragraph 1 of Schedule 2;
  - (h) an order under paragraph 2 of Schedule 2;
  - (i) an order under paragraph 27 of Schedule 4;
  - (j) an order under paragraph 9(8) of Schedule 6.
- (3) The following subordinate legislation made by the Secretary of State or Lord Chancellor is subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) regulations under section 9(1) (except for the first such regulations);
  - (b) regulations under section 9(2) (except for the first such regulations);
  - (c) an order under section 17(1) or (2) (unless it amends an Act of Parliament).
- (4) An order or regulations made under this Act may—
- (a) make different provision for different purposes,
  - (b) make transitional, transitory or saving provision, or
  - (c) make consequential provision.
- (5) The provision that the Secretary of State may make in any relevant instrument includes provision enabling the Registrar General to make regulations by statutory instrument (with or without the consent of a minister of the Crown).
- (6) But the Secretary of State—
- (a) may not make enabling provision which gives the Registrar General power to require a fee to be paid or power to set the amount of a fee; and
  - (b) may not make other enabling provision unless the Secretary of State is satisfied that the provision is necessary in connection with administrative matters relating to functions of the Registrar General or functions of superintendent registrars or registrars.
- (7) Regulations made by the Registrar General under any enabling provision are subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) But that is subject to any provision in a relevant instrument about the kind of Parliamentary scrutiny, if any, to which the regulations are to be subject.
- (9) In subsections (5) to (8)—
- “enabling provision” means provision made under subsection (5) enabling the Registrar General to make regulations;
- “relevant instrument” means—
- (a) regulations under section 9(1) or (2), or
  - (b) an order under section 14(4).

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- (10) Any power of the Secretary of State or Lord Chancellor under this Act to amend legislation by subordinate legislation includes power to repeal or revoke legislation (and any reference to the amendment of legislation by such an order or regulations is to be read accordingly).
- (11) The Secretary of State or Lord Chancellor must—
- (a) obtain the consent of the Scottish Ministers before making any order or regulations under this Act, except an order under section 21(3), containing provision which would (if contained in an Act of the Scottish Parliament) be within the legislative competence of that Parliament;
  - (b) obtain the consent of the Department of Finance and Personnel before making any order or regulations under this Act, except an order under section 21(3), containing provision which would (if contained in an Act of the Northern Ireland Assembly) be within the legislative competence of that Assembly.

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**Commencement Information**

**I5** S. 18 in force at 31.10.2013 by S.I. 2013/2789, art. 3(c)

## 19 Interpretation

- (1) In this Act, an expression set out in an entry in the first column of this table has the meaning given in the corresponding entry in the second column.

<i>Expression</i>	<i>Meaning</i>
primary legislation	— an Act of Parliament — an Act of the National Assembly for Wales — a Measure of the National Assembly for Wales — an Act of the Scottish Parliament — an Act of the Northern Ireland Assembly — a Measure of the Church of England
subordinate legislation	— a Canon of the Church of England — any Order in Council, order, rules, regulations, schemes, warrants, byelaws and other instruments made under primary legislation or under a Canon of the Church of England
England and Wales legislation	primary legislation and subordinate legislation which forms part of the law of England and Wales (whether or not it also forms part of the law of another jurisdiction)
Northern Ireland legislation	primary legislation and subordinate legislation which forms part of the law of Northern Ireland (whether or not it also forms part of the law of another jurisdiction)
Scottish legislation	primary legislation and subordinate legislation which forms part of the law of Scotland (whether or not it also forms part of the law of another jurisdiction)
UK legislation	— England and Wales legislation — Scottish legislation — Northern Ireland legislation

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(2) In this Act—

“existing England and Wales legislation” has the meaning given in section 11;

“new England and Wales legislation” has the meaning given in section 11;

“registrar” means a registrar of births, deaths and marriages;

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

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

(3) For further interpretation provision relating to this Act, see paragraph 5 of Schedule 3.

#### Commencement Information

**I6** S. 19 in force at 31.10.2013 by S.I. 2013/2789, art. 3(c)

## 20 Extent

(1) This Act extends to England and Wales.

(2) These provisions of this Act also extend to Scotland—

(a) in Part 1, section 10(3) and Schedule 2;

(b) Part 2, except for sections 14 and 15;

(c) Part 3.

(3) These provisions of this Act also extend to Northern Ireland—

[<sup>F1</sup>(za) in Part 1, section 2(1) to (4) so far as relating to Orders in Council under Part 3 of Schedule 6;]

(a) in Part 1, section 10(3) and Schedule 2;

(b) Part 2, except for sections 14 to 16 <sup>F2</sup>...;

(c) Part 3.

(4) Subsections (1) to (3) do not apply to an amendment or repeal or revocation made by this Act.

(5) An amendment or repeal or revocation made by this Act has the same extent as the provision amended or repealed or revoked.

(6) Subsection (5) is subject to subsections (7) to (9).

(7) Any amendment of the following Acts extends to England and Wales only—

(a) the Social Security Contributions and Benefits Act 1992;

(b) the Pension Schemes Act 1993;

(c) the Human Fertilisation and Embryology Act 2008.

(8) The repeal of the Foreign Marriage Act 1892 made by section 13(2) does not extend to Northern Ireland [<sup>F3</sup>(but see regulations 2 and 11 of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019)].

(9) Any amendment made by Part 2 of Schedule 5 does not extend to Northern Ireland [<sup>F4</sup>(but see regulation 42(1) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019)].

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#### Textual Amendments

- F1** S. 20(3)(za) inserted (1.9.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020 \(S.I. 2020/742\)](#), regs. 1(2), **13(2)**
- F2** Words in s. 20(3)(b) omitted (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **11(3)(a)** (with regs. 6-9)
- F3** Words in s. 20(8) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **11(3)(b)** (with regs. 6-9)
- F4** Words in s. 20(9) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **51** (with regs. 6-9)

#### Commencement Information

- I7** S. 20 in force at 31.10.2013 by [S.I. 2013/2789](#), **art. 3(c)**

## 21 Short title and commencement

- (1) This Act may be cited as the Marriage (Same Sex Couples) Act 2013.
- (2) This section and sections 15 and 16 come into force on the day on which this Act is passed.
- (3) Subject to that, this Act comes into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, PART 3.