



# Marriage (Same Sex Couples) Act 2013

## 2013 CHAPTER 30

### PART 3

#### FINAL PROVISIONS

#### 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.
- (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,

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*Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Section 18. (See end of Document for details)*

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- (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).
- (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**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Section 18.