

MARRIAGE (SAME SEX COUPLES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 3 of the Marriage Act 1949

Section 5 – Opt-in: other religious ceremonies

44. **Section 5** inserts a new section 26B into the Marriage Act. As mentioned above, three of the kinds of religious marriages of a man and a woman allowed by section 26 of the Marriage Act are marriages of Quakers; marriages according to the Jewish religion; and religious marriage ceremonies of people who are house-bound or detained, e.g. in prison. These marriages are not required to take place in a certified place of worship. New section 26B makes these kinds of marriage available to same sex couples, subject to the relevant opt-in procedure being followed.
45. The section provides that religious marriage ceremonies of same sex couples may take place without the need for registration of a building in the following circumstances:
 - marriage in accordance with the religious practices of Quakers, as long as the recording clerk of the Society of Friends in London has consented to marriages of same sex couples.
 - marriage in a religious ceremony of the Jewish religion, as long as the relevant governing authority has consented to marriages of same sex couples. In this case the relevant governing authority will depend on the affiliation of the particular synagogue.
46. Where one or both of a same sex couple is house-bound or detained, they can marry through a religious ceremony of any religious organisation except the Church of England or Church in Wales, provided the relevant governing authority has given consent to marry same sex couples. In this case the relevant governing authority has the same definition as in section 26A of the Marriage Act. Marriages of Quakers and of people professing the Jewish religion cannot be authorised under this provision and must be authorised under the other provisions above.