



Marriage (Same Sex Couples) Act 2013

2013 CHAPTER 30

PART 1

MARRIAGE OF SAME SEX COUPLES IN ENGLAND AND WALES

Other provisions relating to marriages of same sex couples

9 Conversion of civil partnership into marriage

- (1) The parties to an England and Wales civil partnership may convert their civil partnership into a marriage under a procedure established by regulations made by the Secretary of State.
- (2) The parties to a civil partnership within subsection (3) may convert their civil partnership into a marriage under a procedure established by regulations made by the Secretary of State.
- (3) A civil partnership is within this subsection if—
 - (a) it was formed outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 (registration at British consulates etc or by armed forces personnel), and
 - (b) the part of the United Kingdom that was relevant for the purposes of section 210(2)(b) or (as the case may be) section 211(2)(b) of that Act was England and Wales.
- (4) Regulations under this section may in particular make—
 - (a) provision about the making by the parties to a civil partnership of an application to convert their civil partnership into a marriage;
 - (b) provision about the information to be provided in support of an application to convert;
 - (c) provision about the making of declarations in support of an application to convert;
 - (d) provision for persons who have made an application to convert to appear before any person or attend at any place;

Status: This is the original version (as it was originally enacted).

- (e) provision conferring functions in connection with applications to convert on relevant officials, relevant armed forces personnel, the Secretary of State, or any other persons;
 - (f) provision for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—
 - (i) the making of an application to convert;
 - (ii) the exercise of any function conferred by virtue of paragraph (e).
- (5) Functions conferred by virtue of paragraph (e) of subsection (4) may include functions relating to—
- (a) the recording of information on the conversion of civil partnerships;
 - (b) the issuing of certified copies of any information recorded;
 - (c) the conducting of services or ceremonies (other than religious services or ceremonies) following the conversion of a civil partnership.
- (6) Where a civil partnership is converted into a marriage under this section—
- (a) the civil partnership ends on the conversion, and
 - (b) the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.
- (7) In this section—
- “England and Wales civil partnership” means a civil partnership which is formed by two people registering as civil partners of each other in England or Wales (see Part 2 of the Civil Partnership Act 2004);
- “relevant armed forces personnel” means—
- (a) a member of Her Majesty’s forces;
 - (b) a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006);
- and for this purpose “Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006;
- “relevant official” means—
- (a) the Registrar General;
 - (b) a superintendent registrar;
 - (c) a registrar;
 - (d) a consular officer in the service of Her Majesty’s government in the United Kingdom;
 - (e) a person authorised by the Secretary of State in respect of the solemnization of marriages or formation of civil partnerships in a country or territory in which Her Majesty’s government in the United Kingdom has for the time being no consular representative.

10 Extra-territorial matters

- (1) A marriage under—
- (a) the law of any part of the United Kingdom (other than England and Wales), or
 - (b) the law of any country or territory outside the United Kingdom,
- is not prevented from being recognised under the law of England and Wales only because it is the marriage of a same sex couple.

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of this section it is irrelevant whether the law of a particular part of the United Kingdom, or a particular country or territory outside the United Kingdom—
 - (a) already provides for marriage of same sex couples at the time when this section comes into force, or
 - (b) provides for marriage of same sex couples from a later time.
- (3) Schedule 2 (extra-territorial matters) has effect.