

SUCCESSION TO THE CROWN ACT 2013

EXPLANATORY NOTES

BACKGROUND

6. The Prime Minister announced at the Commonwealth Heads of Government Meeting in Perth on 28 October 2011 that, with the agreement of the fifteen other Commonwealth Realms of which Her Majesty is also Head of State, the United Kingdom would change the rules of royal succession to end the system of male preference primogeniture and the bar on those who marry Roman Catholics from succeeding to the Throne. At that meeting, the Prime Minister said:

“Firstly, we will end the male primogeniture rule, so that in future the order of succession should be determined simply by order of birth...
[...]
“Second, we have agreed to scrap the rule which says that no-one who marries a Roman Catholic can become monarch.
7. The third element, on consent to royal marriages, was not mentioned in the Perth agreement, but had been referred to by the Prime Minister in an invitation to the Heads of Government of the Commonwealth Realms to consider issues relating to succession.
8. The Royal Marriages Act 1772 probably applies to several hundred people, many of whom will be unaware of the Act or its impact on the validity of their marriages. It was passed in haste as a result of King George III’s disapproval of the marriages of two of his brothers; it was highly controversial when passed and it has been the subject of considerable criticism since then. The 1772 Act is replaced with a provision requiring the consent of the Sovereign to the marriage of any of the six people nearest in line to the Crown, rather than *anyone* in the line of succession as at present; and providing that if such a person marries without consent they and their descendants from that marriage will lose their place in the line of succession (at present, their marriage would be void and their descendants would lose their place).
9. The Realms agreed to work together to bring forward the necessary measures and enable them to be effected simultaneously. The Government of New Zealand agreed to coordinate interaction between all the sixteen Commonwealth Realms.
10. The United Kingdom has worked closely with the Government of New Zealand to ensure that all the Realms are satisfied with the proposed changes.
11. It was agreed that the United Kingdom would be the first to draft legislation, but that this would not be introduced until the Government had secured the agreement of the other Commonwealth Realms to the terms of the Bill, and it would not be commenced until any appropriate domestic arrangements were in place in the other Commonwealth Realms.
12. On 2 December 2012 the Government received final agreement in writing from the Prime Ministers and Cabinet Secretaries of all the other fifteen Commonwealth Realms, regarding all three elements in the reform of the rules governing royal succession.