

SUCCESSION TO THE CROWN ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Consent of Sovereign required to certain Royal Marriages

19. *Subsection (1)* provides that any of the first six people in the line of succession to the Crown must obtain the consent of Her Majesty prior to their marriage. This effects a substantial decrease from the number of people affected by the Royal Marriages Act 1772. The recent practice under that Act is for Ministers to be informed of a proposed marriage of a person close in the succession to the Throne, and to have the opportunity of giving formal advice to Her Majesty as to whether consent should be given. The Government expects this practice to continue.
20. *Subsection (2)* provides that such consent must be signified under the Great Seal of the United Kingdom, declared in Council and recorded in the books of the Privy Council. This is similar to the arrangements in the 1772 Act.
21. *Subsection (3)* provides that a failure to obtain consent as described in subsection (1) will lead to the disqualification of the person marrying without consent as well as any descendants from that particular marriage. Under the 1772 Act the marriage of a person who marries without consent was void. *Subsection (4)* repeals the 1772 Act.
22. *Subsection (5)* provides that marriages made void under the 1772 Act are not to be regarded as invalid if four conditions apply: (a) the parties involved were not among the first six people next in line to the Throne; (b) the parties did not seek consent to the marriage under section 1 of the 1772 Act or give 12 months' notice to the Privy Council prior to their marriage, without consent of the Sovereign, under the exception in section 2 of the Act; (c) it was reasonable for the parties involved not to be aware that they were caught by the Act and, (d) no one took action on the basis that the marriage was void prior to this section coming into force.
23. *Subsection (6)* provides that subsection (5) applies for all purposes except those relating to the succession to the Crown. The exception means that the validity of the descent of the Crown from King George II down to the present day is not to be affected by the changes.