

SCHEDULES

SCHEDULE 2

EXTRA-TERRITORIAL MATTERS

PART 1

ENGLISH AND WELSH MARRIAGES OF SAME SEX COUPLES: TREATMENT IN SCOTLAND AND NORTHERN IRELAND

Scotland

- 1 (1) The Secretary of State may, by order, provide that, under the law of Scotland, a marriage of a same sex couple under the law of England and Wales is to be treated as a civil partnership formed under the law of England and Wales (and that, accordingly, the spouses are to be treated as civil partners).
- (2) The Secretary of State may by order—
 - (a) provide for the treatment of a marriage as a civil partnership (by virtue of an order under sub-paragraph (1)) to have effect subject to provision made by the order;
 - (b) specify cases in which a marriage is not to be treated as a civil partnership by virtue of an order under sub-paragraph (1).
- (3) The power conferred by sub-paragraph (1) may only be exercised if marriage of same sex couples is not lawful under the law of Scotland.
- (4) If marriage of same sex couples becomes lawful under the law of Scotland, that does not—
 - (a) affect the validity of any order made under this paragraph; or
 - (b) prevent the revocation of any such order (with or without transitional, transitory or saving provision being made) using the powers conferred by this paragraph.

Northern Ireland

- 2 (1) Under the law of Northern Ireland, a marriage of a same sex couple under the law of England and Wales is to be treated as a civil partnership formed under the law of England and Wales (and accordingly, the spouses are to be treated as civil partners).
- (2) The Secretary of State may by order—
 - (a) provide for the treatment of a marriage as a civil partnership (by virtue of sub-paragraph (1)) to have effect subject to provision made by the order;
 - (b) specify cases in which a marriage is not to be treated as a civil partnership by virtue of sub-paragraph (1).

Status: This is the original version (as it was originally enacted).

Contrary provision

- 3 (1) The treatment of a marriage as a civil partnership by virtue of an order under paragraph 1(1), or by virtue of paragraph 2, is subject to—
- (a) any order made under paragraph 1(2) or 2(2), and
 - (b) any other contrary provision made by—
 - (i) the other provisions of this Act,
 - (ii) any other subordinate legislation made under this Act, and
 - (iii) any new UK legislation,
- including any such contrary provision contained in amendments of existing UK legislation.
- (2) In this paragraph—
- “existing UK legislation” means—
 - (a) in the case of UK legislation that is primary legislation, legislation passed before the end of the Session in which this Act is passed (excluding this Act), or
 - (b) in the case of UK legislation that is subordinate legislation, legislation made on or before the day on which this Act is passed (excluding legislation made under this Act);
 - “new UK legislation” means—
 - (a) in the case of UK legislation that is primary legislation, legislation passed after the end of the Session in which this Act is passed, or
 - (b) in the case of UK legislation that is subordinate legislation, legislation made after the day on which this Act is passed.