

Status: Point in time view as at 27/01/2022.

Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 13

MARRIAGE OVERSEAS

PART 1

CONSULAR MARRIAGE UNDER UK LAW

Provision for consular marriage

- 1 (1) Her Majesty may by Order in Council make provision for two people to marry each other—
- (a) in prescribed countries or territories outside the United Kingdom, and
 - (b) in the presence of a registration officer,
- in cases where the officer is satisfied that the conditions in sub-paragraph (2) are met.
- (2) The conditions are that—
- (a) at least one of the people proposing to marry is a United Kingdom national,
 - (b) the people proposing to marry would have been eligible to marry each other in such part of the United Kingdom as is determined in accordance with the Order,
 - (c) the authorities of the country or territory in which it is proposed that they marry will not object to the marriage, and
 - (d) insufficient facilities exist for them to enter into a marriage under the law of that country or territory.
- [^{F1}(3) For the purposes of sub-paragraph (2)(b), two people who are in a qualifying civil partnership with each other are to be treated as not having been eligible to marry each other in Scotland.
- (4) In sub-paragraph (3) “qualifying civil partnership” has the meaning given by section 5(6) of the Marriage (Scotland) Act 1977.]

Textual Amendments

- F1** Sch. 6 para. 1(3)(4) inserted (27.1.2022) by The Civil Partnership (Scotland) Act 2020 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Modifications) Order 2022 (S.I. 2022/74), art. 1, Sch. 1 para. 4(2)

Commencement Information

- I1** Sch. 6 para. 1 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(i)
- I2** Sch. 6 para. 1 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

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Refusal by registration officer

- 2 (1) A registration officer is not required to allow two people to marry each other if the registration officer's opinion is that a marriage between them would be inconsistent with international law or the comity of nations.
- (2) An Order in Council under this Part of this Schedule may make provision for appeals against a refusal, in reliance on sub-paragraph (1), to allow two people to marry each other.

Commencement Information

- I3** Sch. 6 para. 2 in force at 21.1.2014 for specified purposes by [S.I. 2014/93, art. 2\(b\)\(i\)](#)
- I4** Sch. 6 para. 2 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93, art. 5\(c\)](#)

No religious service

- 3 No religious service is to be used at the solemnization of a consular marriage.

Commencement Information

- I5** Sch. 6 para. 3 in force at 3.6.2014 by [S.I. 2014/93, art. 5\(c\)](#)

Treatment of marriage as taking place in part of UK for certain purposes

- 4 An Order in Council under this Part of this Schedule may provide that two people who marry in a consular marriage are to be treated for prescribed purposes as if they had married in the relevant part of the United Kingdom.

Modifications etc. (not altering text)

- C1** Sch. 6 para. 4 extended (Northern Ireland) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **11(2)** (with regs. 6-9)

Commencement Information

- I6** Sch. 6 para. 4 in force at 21.1.2014 for specified purposes by [S.I. 2014/93, art. 2\(b\)\(ii\)](#)
- I7** Sch. 6 para. 4 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93, art. 5\(c\)](#)

Validity of consular marriage

- 5 A consular marriage is valid in law as if the marriage had been solemnized in the relevant part of the United Kingdom with a due observance of all forms required by the law of the relevant part of the United Kingdom.

Modifications etc. (not altering text)

- C2** Sch. 6 para. 5 extended (Northern Ireland) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **11(2)** (with regs. 6-9)

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Commencement Information

I8 Sch. 6 para. 5 in force at 3.6.2014 by [S.I. 2014/93](#), [art. 5\(c\)](#)

Interpretation

- 6 In this Part of this Schedule—
- “consular marriage” means a marriage solemnized in accordance with the provisions of this Part of this Schedule and any Order in Council made under it;
- “registration officer” means—
- (a) a consular officer in the service of Her Majesty's government in the United Kingdom, or
 - (b) in the case of registration in a country or territory in which Her Majesty's government in the United Kingdom has for the time being no consular representative, a person authorised by the Secretary of State in respect of the solemnization of marriages in that country or territory;
- “relevant part of the United Kingdom”, in relation to a consular marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) for the purposes of the marriage.

Commencement Information

I9 Sch. 6 para. 6 in force at 21.1.2014 for specified purposes by [S.I. 2014/93](#), [art. 2\(b\)\(iii\)](#)

I10 Sch. 6 para. 6 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93](#), [art. 5\(c\)](#)

PART 2

MARRIAGE UNDER FOREIGN LAW: CERTIFICATES OF NO IMPEDIMENT

Provision for certificates of no impediment

- 7 (1) Her Majesty may by Order in Council make provision for the issue of certificates of no impediment to—
- (a) United Kingdom nationals, and
 - (b) such other persons as may be prescribed,
- who wish to marry in prescribed countries or territories outside the United Kingdom.
- (2) A certificate of no impediment is a certificate that no legal impediment to the recipient entering into the marriage has been shown to the person issuing the certificate to exist.

Commencement Information

I11 Sch. 6 para. 7 in force at 21.1.2014 for specified purposes by [S.I. 2014/93](#), [art. 2\(b\)\(iii\)](#)

I12 Sch. 6 para. 7 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93](#), [art. 5\(c\)](#)

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PART 3

MARRIAGE OF FORCES PERSONNEL UNDER UK LAW

Provision for marriage of armed forces personnel

- 8 (1) Her Majesty may by Order in Council make provision for—
- (a) a man and a woman to marry each other in any country or territory outside the United Kingdom, and
 - (b) for a same sex couple to marry in prescribed countries or territories outside the United Kingdom,
- in the presence of an authorised person, in cases where the authorised person is satisfied that the conditions in sub-paragraph (2) are met.
- (2) The conditions are that—
- (a) at least one of the people proposing to marry is—
 - (i) a member of Her Majesty's forces serving in the country or territory in which it is proposed that they marry,
 - (ii) a relevant civilian who is employed in that country or territory, or
 - (iii) a child of a person falling within sub-paragraph (i) or (ii) whose home is with that person in that country or territory, and
 - (b) the people proposing to marry would have been eligible to marry each other in such part of the United Kingdom as is determined in accordance with the Order.
- (3) In a case where one person (“P”) treats, or has treated, another person (“C”), as a child of the family in relation to—
- (a) a marriage to which P is or was a party, or
 - (b) a civil partnership to which P is or was a party,
- C is to be regarded for the purposes of sub-paragraph (2)(a)(iii) as the child of P.
- [^{F2}(4) For the purposes of sub-paragraph (2)(b), two people who are in a qualifying civil partnership with each other are to be treated as not having been eligible to marry each other in Scotland.
- (5) In sub-paragraph (4) “qualifying civil partnership” has the meaning given by section 5(6) of the Marriage (Scotland) Act 1977.]

Textual Amendments

- F2** Sch. 6 para. 8(4)(5) inserted (27.1.2022) by [The Civil Partnership \(Scotland\) Act 2020 and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2022 \(S.I. 2022/74\)](#), art. 1, [Sch. 1 para. 4\(3\)](#)

Commencement Information

- I13** Sch. 6 para. 8 in force at 21.1.2014 for specified purposes by [S.I. 2014/93](#), art. 2(b)(iii)
- I14** Sch. 6 para. 8 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93](#), art. 5(c)

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Religious services at forces marriages of same sex couples

- 9 (1) An Order in Council under this Part of this Schedule may make provision about the solemnization of forces marriages of same sex couples according to religious rites and usages.
- (2) An Order in Council may, in particular, make provision—
- (a) prohibiting the solemnization of such marriages according to particular religious rites or usages; or
 - (b) permitting the solemnization of such marriages according to particular religious rites or usages.
- (3) Sub-paragraph (2)(b) is subject to sub-paragraphs (4) and (5).
- (4) An Order in Council may not make provision allowing the solemnization of forces marriages of same sex couples according to the rites of the Church of England or Church in Wales.
- (5) If an Order in Council makes provision allowing the solemnization of forces marriages of same sex couples according to particular religious rites or usages (other than those of the Church of England or Church in Wales), the Order in Council must also make provision to secure that such a marriage may not be solemnized according to those rites or usages unless the relevant governing authority has given written consent to marriages of same sex couples.
- (6) The person or persons who are the relevant governing body for that purpose are to be determined in accordance with provision made by an Order in Council under this Part of this Schedule.
- (7) This paragraph does not affect the provision that may be made about the solemnization of forces marriages of opposite sex couples according to religious rites and usages.
- (8) If section 8 applies, the Lord Chancellor may, by order, make such relevant amending provision as the Lord Chancellor considers appropriate to allow for the solemnization of forces marriages of same sex couples according to the rites of the Church in Wales.
- (9) For that purpose “relevant amending provision” means—
- (a) provision amending sub-paragraphs (4) and (5) by omitting the words “or Church in Wales”;
 - (b) provision amending any Order in Council made under this Part of this Schedule;
 - (c) provision amending any other UK legislation (including legislation contained in this Part of this Schedule).
- (10) In making an order under sub-paragraph (8), the Lord Chancellor must have regard to the terms of the resolution of the Governing Body of the Church in Wales referred to in section 8(1).

Commencement Information

I15 Sch. 6 para. 9 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(iii)

I16 Sch. 6 para. 9 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

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Treatment of marriage as taking place in part of UK for certain purposes

- 10 An Order in Council under this Part of this Schedule may provide that two people who marry in a forces marriage are to be treated for prescribed purposes as if they had married in the relevant part of the United Kingdom.

Modifications etc. (not altering text)

- C3** Sch. 6 para. 10 extended (Northern Ireland) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **11(2)** (with regs. 6-9)

Commencement Information

- I17** Sch. 6 para. 10 in force at 21.1.2014 for specified purposes by [S.I. 2014/93](#), **art. 2(b)(iii)**
I18 Sch. 6 para. 10 in force at 3.6.2014 in so far as not already in force by [S.I. 2014/93](#), **art. 5(c)**

Validity of forces marriage

- 11 A forces marriage is valid in law as if the marriage had been solemnized in the relevant part of the United Kingdom with a due observance of all forms required by the law of the relevant part of the United Kingdom.

Modifications etc. (not altering text)

- C4** Sch. 6 para. 11 extended (Northern Ireland) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **11(2)** (with regs. 6-9)

Commencement Information

- I19** Sch. 6 para. 11 in force at 3.6.2014 by [S.I. 2014/93](#), **art. 5(c)**

Interpretation

- 12 (1) In this Part of this Schedule—
- (a) a reference to a country or territory includes a reference to the waters of a country or territory;
 - (b) a reference to Her Majesty's forces serving in a country or territory includes a reference to such forces serving in a ship in the waters of a country or territory;
 - (c) a reference to a relevant civilian employed in a country or territory includes a reference to such a civilian employed in a ship in the waters of a country or territory.
- (2) In this Part of this Schedule—
- “authorised person”, in relation to a marriage in a country or territory outside the United Kingdom, means—
- (a) a chaplain serving in any of Her Majesty's forces in that country or territory, or
 - (b) a person authorised by the commanding officer of any of Her Majesty's forces in that country or territory to conduct that marriage or marriages generally;

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“commanding officer” has the same meaning as in the Armed Forces Act 2006;

“forces marriage” means a marriage solemnized in accordance with the provisions of this Part of this Schedule and any Order in Council made under it;

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;

“relevant civilian” means a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006) who is of a prescribed description;

“relevant part of the United Kingdom”, in relation to a forces marriage, means the part of the United Kingdom determined in accordance with paragraph 8(2)(b) for the purposes of the marriage.

Commencement Information

I20 Sch. 6 para. 12 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(iv)

I21 Sch. 6 para. 12 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

PART 4

GENERAL PROVISIONS

Parliamentary scrutiny

- 13 (1) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this Schedule unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by resolution of, each House of Parliament.
- (2) In the case of an Order in Council containing provision which would (if contained in an Act of the Scottish Parliament) be within the legislative competence of that Parliament, no recommendation is to be made to Her Majesty under this paragraph unless the Scottish Ministers have been consulted.

Commencement Information

I22 Sch. 6 para. 13 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(iv)

I23 Sch. 6 para. 13 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

Particular kinds of provision

- 14 (1) An Order in Council under this Schedule may—
- (a) make different provision for different purposes,
 - (b) make transitional, transitory or saving provision, or
 - (c) make consequential provision.
- (2) An Order in Council under this Schedule may make provision corresponding to, or applying (with or without modifications), any UK legislation.

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- (3) An Order in Council under this Schedule may amend, repeal or revoke UK legislation.

Commencement Information

- I24** Sch. 6 para. 14 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(iv)
I25 Sch. 6 para. 14 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

Interpretation

- 15 In this Schedule—

“prescribed” means prescribed by an Order in Council made under this Schedule;

“United Kingdom national” means a person who is—

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas),
- (b) a British subject under the British Nationality Act 1981, or
- (c) a British protected person, within the meaning of that Act.

Commencement Information

- I26** Sch. 6 para. 15 in force at 21.1.2014 for specified purposes by S.I. 2014/93, art. 2(b)(iv)
I27 Sch. 6 para. 15 in force at 3.6.2014 in so far as not already in force by S.I. 2014/93, art. 5(c)

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