
EXPLANATORY NOTE

(This note is not part of the Order)

This is the fourth Commencement Order made in relation to the Marriage (Same Sex Couples) Act 2013 (c. 30) (“the Act”). The Marriage (Same Sex Couples) Act 2013 (Commencement No. 1) Order 2013 (S.I. 2013/2789) (C. 110) brought into force a number of provisions of the Act for the purpose of making subordinate legislation, as well as certain other provisions. The Marriage (Same Sex Couples) Act 2013 (Commencement No. 2 and Transitional Provision) Order 2014 (S.I. 2014/93) (C. 3) brought into force the majority of the provisions of the Act extending marriage to same sex couples under the law of England and Wales.

The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014 (S.I. 2014/1662) (C. 70) brought into force, for the purpose of making subordinate legislation, provisions enabling civil partners to convert their civil partnership into marriage and enabling a couple to remain married where one or both members of the couple change legal gender where both members wish to remain married. This Order brings into force provisions of the Act which relate to these subject matters, and which (apart from two cases mentioned below) are the remaining provisions of the Act which have not been commenced.

This Order therefore brings into force all remaining uncommenced provisions of the Act with two exceptions. First, it does not commence an amendment to Civil Partnership Act 2004 (c. 33) which is redundant. Secondly, it commences, in part, paragraph 17 of Schedule 4 to the Act, which makes an amendment to provisions in the Equality Act 2010 (c. 15) dealing with benefits in occupational pension schemes for those couples who married as an opposite sex couple and who remain married after one spouse obtains a gender recognition certificate. The partial commencement is to ensure that there is consistency between those provisions, and equivalent provisions in the Pension Schemes Act 1993 (c. 48) as amended by paragraphs 18 to 25 of Schedule 4 to the Act and which relate to contracted-out benefits in occupational pension schemes.