

A

BILL

TO

Make provision for the marriage of same sex couples in Northern Ireland, and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Extension of marriage to same sex couples

Subject to section 2, marriage of same sex couples in Northern Ireland is lawful.

2 Power to make provision in respect of marriage of same sex couples

- (1) The Secretary of State shall by regulations amend the Marriage (Northern Ireland) Order 2003 to enable the solemnisation of marriage of same sex couples.
- (2) Regulations made under subsection (1)—
 - (a) must make provision for the solemnisation of civil marriage of same sex couples that is equivalent to the provision made for the solemnisation of civil marriage of opposite sex couples, and
 - (b) may make provision for the solemnisation of religious marriage of same sex couples that is equivalent to the provision made for the solemnisation of religious marriage of opposite sex couples.
- (3) The Secretary of State may by regulations make additional provision as the Secretary of State considers appropriate in consequence of this Act.
- (4) Regulations made under subsections (1) and (3) may—
 - (a) amend, repeal, revoke or otherwise modify any UK legislation,
 - (b) apply any UK legislation with or without modification, and
 - (c) make incidental, supplementary, consequential, transitory or transitional provision or savings.
- (5) Regulations made under subsection (1) must come into force within 12 months from the commencement of this Act.

3 Amendment of Northern Ireland Act 1998

- (1) In Schedule 3 to the Northern Ireland Act 1998 (reserved matters), after paragraph 42 insert—

“43 Marriage.”

- (2) For the purposes of subsection (1), section 4(3) of the Northern Ireland Act 1998 (transferred, excepted and reserved matters) does not apply.

4 Extent, commencement and short title

- (1) Subject to subsection (2), this Act extends to Northern Ireland.
- (2) Any amendment made by this Act has the same extent as the provision to which it relates.
- (3) This Act comes into force on the day on which it is passed.
- (4) This Act may be cited as the Marriage (Same Sex Couples) (Northern Ireland) Act.

Explanatory notes

Section 1 makes same-sex marriage lawful in Northern Ireland. The consequence of this is that existing same-sex marriages, solemnised in other jurisdictions (such as England and Wales), would be treated as lawful marriages.

Section 2 requires the Secretary of State to make provision for the solemnisation of same-sex marriage in Northern Ireland, and allows the Secretary of State to make any additional changes to UK legislation that need to be made as a consequence of same-sex marriage being lawful. The Secretary of State would have 12 months, from the time the Act came into force, to make the necessary amendments to the Marriage (Northern Ireland) Order 2003 to enable the solemnisation of same-sex marriage.

Section 3 “un-devolves” marriage and restores the power to legislate for marriage in Northern Ireland to the UK Parliament. This is achieved by adding marriage to the list of reserved matters in the Northern Ireland Act 1998.