

Marriage (Same Sex Couples) (Overseas Territories) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Lord Cashman, have been ordered to be published as HL Bill 40—EN.

Marriage (Same Sex Couples) (Overseas Territories) Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Make provision for the marriage of same sex couples in certain Overseas Territories, 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

Marriage of same sex couples in the Territory is lawful.

2 Effect of extension of marriage

In the law of the Territory, marriage has the same effect in relation to same sex couples as it has in relation to opposite sex couples.

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3 Power of Governor to make provision in respect of marriage of same sex couples

The Governor of the Territory must, by regulations published in the Gazette, make such modifications or adaptations to any existing law of the Territory as appear to the Governor to be necessary or expedient for bringing that law into conformity with the extension of marriage to same sex couples.

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4 Solemnization of civil marriage

Regulations made under section 3 must make provision for the solemnization of civil marriage of same sex couples that is equivalent to the provision made for the solemnization of civil marriage of opposite sex couples.

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5 Solemnization of marriage according to religious rites: no compulsion to solemnize

(1) Regulations made under section 3 may make provision for the solemnization of religious marriage of same sex couples that is equivalent to the provision made for the solemnization of religious marriage of opposite sex couples.

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(2) Any provision made for the solemnization of religious marriage of same sex couples must ensure that a person or religious organisation may not be

compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) –

- (a) to conduct a religious marriage of a same sex couple,
- (b) to be present at, carry out, or otherwise participate in, a religious marriage of a same sex couple, or
- (c) to consent to a religious marriage of a same sex couple being conducted,

where the reason for the person or religious organisation not doing that thing is that the marriage concerns a same sex couple.

6 Provision for civil marriage to be made within 6 months 10

Regulations must be made under section 3 within 6 months beginning with the day on which this Act is passed.

7 Exercise of powers of Governor

The Governor may, to such extent and subject to such restrictions and conditions as he or she thinks proper, delegate, or authorise the delegation of, any of his or her powers under this Act to any person, or class or description of persons, approved by him or her, and references in this Act to the Governor are to be construed accordingly.

8 Interpretation

In this Act –

“Gazette” means the official gazette of the Territory and includes a reference to any form in which official information is normally made available in that Territory,

“Governor”, in relation to the Territory, means the person holding or acting in the office of Governor of that Territory, or if there is no such office, the officer for the time being administering that Territory,

“law”, in relation to the Territory, means any law in force made by any legislature established for that Territory and includes any subordinate legislation made under any such law,

“religious marriage” means a marriage solemnized according to religious rites or usages and includes any ceremony forming part of, or connected with, the solemnization of such a marriage, and any religious ceremony that may be conducted after the civil marriage of a same sex couple,

“the Territory” means any territory to which this Act extends.

9 Extent, commencement and short title

- (1) This Act extends to the following territories –

- Anguilla
- Bermuda
- British Virgin Islands

Cayman Islands
Montserrat
Turks and Caicos Islands.

- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Marriage (Same Sex Couples) (Overseas Territories) Act 2022. 5

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Lord Cashman

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