

## **Annex B**

### **Revised provisions of the Marriage Act 1949 for Registration of Shared Buildings for marriages of same sex couples**

#### **44A Building subject to Sharing of Church Buildings Act 1969: registration**

(1) This section applies to a registration application relating to a building that is—

- (a) subject to a sharing agreement, or
- (b) used as mentioned in section 6(4) of the 1969 Act.

(2) The registration application must be made in accordance with section 43A (as read with section 26A(3)).

(3) But those provisions have effect subject to the following provisions of this section.

(4) Each of the sharing churches is a relevant religious organisation for the purposes of section 26A(3).

(5) A consent given under section 26A(3) (a “consent to marriages of same sex couples”) by the relevant governing authority of any of the sharing churches is therefore sufficient for the registration application to be made in compliance with section 26A(3) (and references to the consent of the relevant governing authority in section 43A are to be read accordingly).

(6) But the registration application may not be made unless the relevant governing authorities of each of the sharing churches (other than those which have given consents to marriages of same sex couples) have given a separate written consent to the use of the shared building for the solemnization of marriages of same sex couples (a “consent to use”).

(7) The registration application must also be accompanied by—

- (a) a certificate, given by the applicant and dated not more than one month before the making of the application, that the relevant governing authorities mentioned in subsection (6) have given written consents to use, and
- (b) copies of those consents.

(8) The superintendent registrar must also send to the Registrar General—

- (a) the certificate, and
- (b) the copies of the consents, which accompany the application in accordance with subsection (7).

(9) The Registrar General must not register the shared building unless and until subsection (8) and the requirements of section 43A have been complied with.

(10) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

#### **44B Building subject to Sharing of Church Buildings Act 1969: cancellation**

(1) This section applies to a cancellation application relating to a building that is—

- (a) subject to a sharing agreement, or
- (b) used as mentioned in section 6(4) of the 1969 Act.

(2) The cancellation application must be made in accordance with section 43C.

(3) But section 43C has effect subject to the following provisions of this section.

(4) The cancellation application may be made either—

- (a) by a proprietor or trustee of the building, or
- (b) by the relevant governing authority of any of the sharing churches.

(5) For that purpose, in relation to a sharing church, “relevant governing authority” means the person or persons recognised by the members of the sharing church as competent for the purpose of making an application under section 43C in the circumstances to which this section applies.

(6) In a case where the cancellation application is made by a relevant governing authority in accordance with subsection (4)(b)—

- (a) the application must be accompanied by a certificate, given by persons making the application, that they are the relevant governing authority of one of the sharing churches; and
- (b) the superintendent registrar must (in addition to forwarding the application in accordance with section 43C(3)) send a copy of that certificate to the Registrar General.

(7) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

#### **44C Other shared places of worship: registration and cancellation**

The Secretary of State may by statutory instrument make regulations about—

- (a) registration applications relating to other shared places of worship;
- (b) cancellation applications relating to other shared places of worship;

(c) the sharing churches' use of other shared places of worship (in cases where those places are registered under section 43A) for the solemnization of marriages of same sex couples.

The provision that may be made under subsection (1)(a) or (b) includes provision about the procedures to be followed on registration applications or cancellation applications.

(3) In this section “other shared place of worship” means a shared building—

(a) which has been certified as required by law as a place of religious worship, but

(b) to which sections 44A and 44B do not apply because the building is neither—

(i) subject to a sharing agreement, nor

(ii) used as mentioned in section 6(4) of the 1969 Act.

#### **44D Sections 44A to 44C: supplementary provision**

(1) In sections 44A to 44C (and this section)—

“1969 Act” means the Sharing of Church Buildings Act 1969;

“cancellation application” means an application under section 43C for the cancellation of the registration of a building;

“registration application” means an application under section 43A for the registration of a building;

“sharing agreement” has the meaning given in section 1 of the 1969 Act;

“shared building” means a building that is—

(a) subject to a sharing agreement,

(b) used as mentioned in section 6(4) of the 1969 Act, or

(c) otherwise shared;

“shared building provisions” means sections 44A to 44C;

“sharing churches” means—

(a) in the case of a building subject to a sharing agreement, the churches that have made the agreement;

(b) in the case of a building used as mentioned in section 6(4) of the 1969 Act, the churches who so use it;

(c) in the case of any other shared building, the religious organisations (whether Christian or of another faith) which share it.

(2) Regulations under any of the shared building provisions may provide for a registration application relating to a shared building to be made otherwise than by the proprietor or trustee of the building (whether or not the proprietor or trustee retains power to make such an application).

(3) Regulations under any of the shared building provisions may make provision about any of these cases—

- (a) the case where a building registered under section 43A becomes a shared building;
- (b) the case where a building registered under section 43A ceases to be a shared building;
- (c) the case where a building is registered under section 43A and there is a change in the churches which are sharing churches;

and the provision that may be made about such a case includes provision for the modification, suspension or cancellation of the registration under section 43A.

(4) Regulations under any of the shared building provisions may make provision about the use of shared buildings for the solemnization of—

- (a) marriages of same sex couples according to the usages of the Society of Friends (commonly called Quakers), and
- (b) marriages of same sex couples professing the Jewish religion according to the usages of the Jews.

(5) The provision that may be made about the use of shared buildings for the solemnization of such marriages includes—

- (a) provision about the giving of consent by the relevant governing authority for the purposes of a registration application or cancellation application (including provision for identifying the relevant governing authority);
- (b) provision corresponding to, or applying, any provision of section 43B (with or without modifications).

(6) Regulations under any of the shared buildings provisions may amend any England and Wales legislation.

(7) Subsections (2) to (6) do not limit the power under any of the shared building provisions to make regulations.

(8) A statutory instrument containing regulations under any of the shared building provisions may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.