

Same sex marriage becomes law in England and Wales

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The Marriage (Same Sex Couples) Bill received royal assent on 17 July 2013. The government's proposal to introduce same sex marriage caused controversy in some quarters but has been warmly received by many; the government publicising the change under the banner 'Equal Marriage'. Same sex couples have been able to register their relationship as Civil Partnerships since December 2005. In fact, the legal differences between Civil Marriage and Civil Partnership are minimal. Civil Partnership already brought with it the whole range of rights and responsibilities that a couple agree to be bound by when they enter into a Civil Marriage. What the Marriage (Same Sex Couples) Bill will do is to enable same sex couples to marry in civil ceremonies. One important difference between same sex marriage and civil partnership is that religious organisations that wish to conduct marriages for same sex couples will be able to do so if they 'opt in'. Civil Partnerships, however, were entirely secular affairs and no religious element was permitted to form part of the civil ceremony. Conversely, the new legislation will provide protection for religious organisations and ministers who do not wish to marry same sex couples. So what will happen to Civil Partnerships? This trailblazing form of registration for same sex couples will be reviewed. Couples who have already entered into Civil Partnerships will have the ability to change those Civil Partnerships into marriages. In practice, this will have little effect in terms of their legal status but it will enable couples in a Civil Partnership to be able to refer to their legal relationship as a 'marriage'. One of the fundamental provisions in respect of Civil Partnerships was the ability for foreign same sex couples who had registered their relationship abroad to move to England and Wales and have that relationship recognised as a Civil Partnership. Although the future of Civil Partnerships is going to be reviewed, because in some countries registered same sex relationships are defined as 'marriage' and in others they are defined as a different form of registered relationship, same sex marriages overseas will be treated as being marriage in England and Wales but other forms of same sex registered relationships abroad will be treated as Civil Partnerships. In terms of timing, it is anticipated that the first same sex wedding could happen by summer 2014. There are bound to be a significant number of couples wanting to celebrate their union in 12 months time, particularly if we are also enjoying the fine summer that we have had the last 2 weeks.

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