

**C14/2015**



**Command Paper on  
a draft Act to make amendments to the Marriage Act to  
make provision for same sex marriage and enable civil  
partners to convert their partnership into marriage.**

**Presented to Parliament by  
the Minister for Tourism, Equality, Social Services and Housing**

**by Command of Her Majesty  
22 December 2015**

## **1. Draft Bill**

## **2. Draft Explanatory Memorandum**

Comments on this Command Paper should be sent by email to

[commandpapers@gibraltar.gov.gi](mailto:commandpapers@gibraltar.gov.gi) or delivered to

Command Papers Consultation c/o Kevin Warwick, Ministry of Education,  
Justice and International Exchange of Information, Suite 771, Europort,  
Gibraltar, no later than 15 January 2016.

Any comments received later than 15 January 2016 may not be taken into  
account for the purposes of the relevant consultation.

# BILL

## FOR

**AN ACT** to amend the Marriage Act.

**ENACTED** by the Legislature of Gibraltar.

### **Short title and commencement.**

1. This Act may be cited as the Marriage (Amendment) Act 2015 and shall be deemed to have come into operation on the day appointed by the Minister.

### **Amendments to Marriage Act.**

2.(1) The Marriage Act is amended in accordance with the provisions of this section.

(2) In section 2-

(a) after the definition of “minister” insert-

““parties” includes opposite sex and same sex couples;” ;

(b) in the definition of “Registrar” substitute “.” with “;” ; and

(c) after the definition of “Registrar” insert-

““relevant marriage” means a marriage of a same sex couple.” .

(3) In section 6(a) before “in a place of worship-” insert “subject to section 6A,” .

(4) After section 6 insert-

#### **“Marriage of same sex couples in a place of worship.**

6A. A minister in a place of worship may not be compelled by any means (including the enforcement of a contract or a statutory or other legal requirement) to-

(a) conduct a relevant marriage;

(b) be present at, carry out, or otherwise participate in, a relevant marriage, or

(c) consent to a relevant marriage being conducted,

where the reason for the minister not doing so is that the relevant marriage concerns a same sex couple.”.

(5) After section 40 insert-

#### **“Conversion of civil partnership into marriage.**

40A. (1) Civil partners who have formed a civil partnership pursuant to the Civil Partnership Act 2014 may convert their civil partnership into a marriage.

(2) The procedure to convert a civil partnership into a marriage shall be established by rules made by the Minister responsible for personal status.

- (3) Rules under this section may in particular make provision-
- (a) about the making by the parties to a civil partnership of an application to convert their civil partnership into a marriage;
  - (b) about the information to be provided in support of an application to convert;
  - (c) about the making of declarations in support of an application to convert;
  - (d) for persons who have made an application to convert to appear before any person or attend at any place;
  - (e) conferring functions in connection with applications to convert on the Registrar;
  - (f) for fees, of such amounts as are specified in or determined in accordance with the rules, to be payable in respect of the—
    - (i) making of an application to convert;
    - (ii) exercise of any function conferred by virtue of paragraph (e);
  - (g) to make any such other transitional or consequential amendments (including any amendments to the Civil Partnership Act 2014) for the purposes of converting civil partnerships to marriage under the Act.
- (4) Functions conferred by virtue of subsection (3)(e) may include functions relating to-
- (a) the recording of information on the conversion of civil partnerships;
  - (b) the issuing of certified copies of any information recorded;
  - (c) the carrying out, on request, of searches of any information recorded and the provision, on request, of records of any information recorded (otherwise than in the form of certified copies);
  - (d) the conducting of services or ceremonies (other than religious services or ceremonies) following the conversion of a civil partnership.
- (5) When a civil partnership is converted into a marriage under this section-
- (a) the civil partnership ends on conversion; and
  - (b) the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.”.

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### **EXPLANATORY MEMORANDUM**

This Bill amends the Marriage Act to allow same sex couples to marry in civil ceremonies whilst respecting and protecting religious freedom and enables civil partners to convert their civil partnership into marriage if they so wish.

