

Succession to the Crown Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office, are published separately as HL Bill 81-EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Wallace of Tankerness has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Succession to the Crown Bill are compatible with the Convention rights.

Succession to the Crown Bill

CONTENTS

- 1 Succession to the Crown not to depend on gender
- 2 Removal of disqualification arising from marriage to a Roman Catholic
- 3 Consent of Sovereign required to certain Royal Marriages
- 4 Consequential amendments etc
- 5 Commencement and short title

Schedule – Consequential amendments

A
B I L L

TO

Make succession to the Crown not depend on gender; to make provision about Royal Marriages; 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 Succession to the Crown not to depend on gender

In determining the succession to the Crown, the gender of a person born after 28 October 2011 does not give that person, or that person's descendants, precedence over any other person (whenever born).

2 Removal of disqualification arising from marriage to a Roman Catholic 5

(1) A person is not disqualified from succeeding to the Crown or from possessing it as a result of marrying a person of the Roman Catholic faith.

(2) Subsection (1) applies in relation to marriages occurring before the time of the coming into force of this section where the person concerned is alive at that time (as well as in relation to marriages occurring after that time). 10

3 Consent of Sovereign required to certain Royal Marriages

(1) A person who (when the person marries) is one of the 6 persons next in the line of succession to the Crown must obtain the consent of Her Majesty before marrying.

(2) Where any such consent has been obtained, it must be— 15
(a) signified under the Great Seal of the United Kingdom,
(b) declared in Council, and
(c) recorded in the books of the Privy Council.

(3) The effect of a person's failure to comply with subsection (1) is that the person and the person's descendants from the marriage are disqualified from succeeding to the Crown. 20

-
- (4) The Royal Marriages Act 1772 (which provides that, subject to certain exceptions, a descendant of King George II may marry only with the consent of the Sovereign) is repealed.
- (5) A void marriage under that Act is to be treated as never having been void if—
- (a) neither party to the marriage was one of the 6 persons next in the line of succession to the Crown at the time of the marriage, 5
 - (b) no consent was sought under section 1 of that Act, or notice given under section 2 of that Act, in respect of the marriage,
 - (c) in all the circumstances it was reasonable for the person concerned not to have been aware at the time of the marriage that the Act applied to it, and 10
 - (d) no person acted, before the coming into force of this section, on the basis that the marriage was void.
- (6) Subsection (5) applies for all purposes except those relating to the succession to the Crown. 15
- 4 Consequential amendments etc**
- (1) The Schedule contains consequential amendments.
- (2) References (however expressed) in any enactment to the provisions of the Bill of Rights or the Act of Settlement relating to the succession to, or possession of, the Crown are to be read as including references to the provisions of this Act. 20
- (3) The following enactments (which relate to the succession to, and possession of, the Crown) are subject to the provision made by this Act—
- Article II of the Union with Scotland Act 1706;
 - Article II of the Union with England Act 1707;
 - Article Second of the Union with Ireland Act 1800; 25
 - Article Second of the Act of Union (Ireland) 1800.
- 5 Commencement and short title**
- (1) This section comes into force on the day on which this Act is passed.
- (2) The other provisions of this Act come into force on such day and at such time as the Lord President of the Council may by order made by statutory instrument appoint. 30
- (3) Different days and times may be appointed for different purposes.
- (4) This Act may be cited as the Succession to the Crown Act 2013.

SCHEDULE

Section 4

CONSEQUENTIAL AMENDMENTS

Treason Act 1351

- 1 The Treason Act 1351 (declaration of offences to be adjudged treason) has effect as if – 5
- (a) the first reference to eldest son and heir were a reference to eldest child and heir;
 - (b) the second reference to eldest son and heir were a reference to eldest son if the heir.

Bill of Rights

10

- 2 In section 1 of the Bill of Rights, omit –
- (a) “or by any King or Queene marrying a papist”;
 - (b) “or shall marry a papist”;
 - (c) “or marrying”.

Act of Settlement

15

- 3 In the Act of Settlement –
- (a) in the preamble, omit “or marry a papist” and “or marrying”;
 - (b) in section 2, omit “or shall marry a papist”.

Regency Act 1937

- 4 In section 3(2) of the Regency Act 1937 (persons disqualified from becoming or being Regent), after “Crown” insert “, or is a person disqualified from succeeding to the Crown by virtue of section 3(3) of the Succession to the Crown Act 2013”. 20

Supplementary

- 5 The amendments made by paragraphs 2 and 3 apply in relation to marriages occurring before the time of the coming into force of section 2 where the person concerned is alive at that time (as well as in relation to marriages occurring after that time). 25

Succession to the Crown Bill

A

B I L L

To make succession to the Crown not depend on gender; to make provision about Royal Marriages; and for connected purposes.

Brought from the Commons on 29th January 2013

Ordered to be Printed, 29th January 2013

© Parliamentary copyright House of Lords and House of Commons 2013

This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/site-information/copyright.

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

HL Bill 81

(xxxxx)

55/2

xxbarxx