



**AN BILLE UM CHLÁRÚ SIBHIALTA (COMHIONANNAS
PÓSTA), 2013**
CIVIL REGISTRATION (MARRIAGE EQUALITY) BILL 2013

EXPLANATORY MEMORANDUM

Section 1 provides for relevant definitions.

Section 2 provides for the deletion of section 2(2)(e) of the Civil Registration Act 2004. That Act provides at section 2(2) that for the purposes of that Act in respect of registration of marriages there is an impediment to a marriage if a number of conditions apply. The full text of section 2(2) is provided below. This Bill would delete only one of the conditions, namely that provided for at section 2(2)(e) which states that there is an impediment to the marriage if “both parties are of the same sex”. By removing this subsection, the Bill would represent a step towards the achievement of marriage equality, by removing a potential statutory impediment to the recognition of same-sex marriage.

Section 3 provides for the citation of the Bill.

As it stands, section 2(2) of the Civil Registration Act 2004 reads as follows:

“For the purposes of this Act there is an impediment to a marriage if—

- (a) the marriage would be void by virtue of the Marriage Act 1835 as amended by the Marriage (Prohibited Degrees of Relationship) Acts 1907 and 1921,
- (b) one of the parties to the marriage is, or both are, already married,
- (c) one or both, of the parties to the intended marriage will be under the age of 18 years on the date of solemnisation of the intended marriage and an exemption from the application of section 31(1)(a) of the Family Law Act 1995 in relation to the marriage was not granted under section 33 of that Act,

(d) the marriage would be void by virtue of the Marriage
of Lunatics Act 1811, or

(e) both parties are of the same sex.”.

Senator Ivana Bacik,
Márta, 2013.