



DÁIL ÉIREANN

**AN BILLE UM PÓSADH, 2015
MARRIAGE BILL 2015**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM PÓSADH, 2015 —AN TUARASCÁIL

MARRIAGE BILL 2015 —REPORT

Leasuithe Amendments

1. In page 7, to delete lines 18 to 28 and substitute the following:

“Repeal of certain provisions of Acts of 2004 and 2010 relating to civil partnership

8. (1) The following provisions of the Act of 2004 are repealed:

- (a) section 2(2A)(a);
- (b) the Third Schedule of the Act of 2004, as inserted by section 26 of the Act of 2010.

(2) Section 3 of the Act of 2010 is replaced by the following:

“3. For the purposes of this Act a civil partner is either of two persons who are—

- (a) parties to a civil partnership registration that has not been dissolved or the subject of a decree of nullity, or
- (b) parties to a legal relationship of a class that is the subject of an order made under section 5 that has not been dissolved or the subject of a decree of nullity.”.

(3) The following provisions of the Act of 2010 are repealed:

- (a) section 107(d);
- (b) section 107(e);
- (c) section 172(4)(b).”.

—Michael McNamara.

2. In page 7, between lines 28 and 29, to insert the following:

“Amendment of section 46(1) of Act of 2004

9. Section 46(1) of the Act of 2004 is amended by the substitution of the following paragraph for paragraph (a):

“(a) (i) notify any registrar in writing in a form for the time being standing approved by an tArd-Chláraitheoir of their intention to marry—

(I) not less than 3 months prior to the date on which the marriage is to be solemnised, or

(II) at any time prior to the date on which the marriage is to be solemnised where the parties to the intended marriage are parties to a subsisting civil partnership with each other and have previously either complied with section 59B(1)(a) in respect of that civil partnership or been exempted from such compliance by order of the Circuit Court or the High Court under section 59B(2),

or

(ii) are granted an exemption from the application of subparagraph (i)(I) under section 47 and give a copy of the court order granting the exemption to any registrar before the date aforesaid.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

3. In page 10, to delete lines 1 to 6 and substitute the following:

“Amendment of section 5 of Act of 2010

12. The Act of 2010 is amended by the substitution of the following section for section 5:

“5. (1) The Minister may, by order, declare that a class of legal relationship entered into by two parties is entitled to be recognised as a civil partnership if under the law of the jurisdiction in which the legal relationship was entered into—

(a) the relationship is exclusive in nature,

(b) the relationship is permanent unless the parties dissolve it through the courts,

(c) the relationship has been registered under the law of that jurisdiction, and

(d) the rights and obligations attendant on the relationship are, in the opinion of the Minister, sufficient to indicate that the relationship would be treated comparably to a civil partnership.

(2) An order under subsection (1) entitles and obliges the parties to the legal relationship to be treated as civil partners under the law of the State from the later of—

(a) the day which is 21 days after the date on which the order is made, and

- (b) the day on which the relationship was registered under the law of the jurisdiction in which it was entered into.
- (3) Where an order is made under subsection (1), a dissolution of a legal relationship under the law of the jurisdiction in which it was entered into, or under the law of any other jurisdiction in respect of which a class of legal relationship has been declared by an order made under that subsection to be entitled to be recognised as a civil partnership, shall be recognised as a dissolution and deemed to be a dissolution under section 110, and any former parties to such a relationship shall not be treated as civil partners under the law of the State from the later of—
 - (a) the day which is 21 days after the date on which the order is made, and
 - (b) the day on which the dissolution became effective under the law of the relevant jurisdiction.
- (4) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.”.”.

—Michael McNamara.

4. In page 12, line 12, before “the” where it firstly occurs, to insert “by”.

—An tAire Dlí agus Cirt agus Comhionannais.

5. In page 12, between lines 17 and 18, to insert the following:

“Amendment of section 54 of Act of 2004

21. Section 54 of the Act of 2004 is amended by substituting the following subsection for subsection (1):

- “(1) A body, Commissioner for Oaths or Peace Commissioner may apply to an tArd-Chláraitheoir—
- (a) in case the body is the Executive, for the registration of a registrar named in the application who is employed by the Executive and is aged 18 years or more,
 - (b) in case the body is a religious body, for the registration of a member named in the application who is aged 18 years or more, and
 - (c) in case the body is a secular body, for the registration of a member named in the application who is aged 18 years or more.”.”.

—Michael McNamara.