



# **Succession to the Crown Act 2013**

**Current as at 15 May 2014**

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Queensland

# Succession to the Crown Act 2013

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## Succession to the Crown Act 2013

**An Act to change the law relating to succession to the Crown, to validate certain marriages made void by the Royal Marriages Act 1772 of Great Britain, to repeal that Act so far as it is part of the law of the State, to request the Parliament of the Commonwealth to enact under section 51(xxxviii) of the Constitution of the Commonwealth an Act in the terms, or substantially in the terms, set out in schedule 1, and to make consequential amendments to other legislation**

### Preamble—

Parliament's reasons for enacting this Act are—

- 1 On 28 October 2011, representatives of nations of which Her Majesty is the Sovereign agreed that the rules on succession to, and possession of, the Crown should be changed so as to make succession not depend on gender and to end the disqualification arising from marrying a Roman Catholic.
- 2 The United Kingdom has further proposed to disqualify certain persons from succeeding to the Crown as a result of marriage, to repeal the *Royal Marriages Act 1772* and to validate certain marriages made void by that Act.
- 3 It is expedient to change the rules on succession to, and possession of, the Crown, to disqualify certain persons from succeeding to the Crown as a result of marriage, to repeal the *Royal Marriages Act 1772* of Great Britain so far as it is part of the law of the State and to validate certain marriages made void by that Act.
- 4 It is expedient to request the Parliament of the Commonwealth to enact under section 51(xxxviii) of the Constitution of the Commonwealth an Act in the terms, or substantially in the terms, set out in schedule 1.

[s 1]

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- 5 It is necessary for the Parliament of the State to enact legislation for these purposes as no Act passed by the Parliament of the United Kingdom after the commencement of the Australia Acts extends to the State as part of the law of the State.

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Succession to the Crown Act 2013*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **3 Definition**

In this Act—

*Crown* means the Crown in all of its capacities in respect to which the Parliament of the State has the power to legislate.

### **4 Object of this Act**

The main object of this Act is to change the law relating to the effect of gender and marriage on royal succession, consistently with changes made to that law in other Australian jurisdictions and in the United Kingdom, so that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom.

### **5 Relationship with Sovereign not affected**

It is not the intention of this Act to affect the relationship between the Sovereign and the State as existing immediately before its enactment or that that relationship be in any way

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affected by the enactment by the Parliament of the Commonwealth of the Act requested by section 14.

## **Part 2                      Succession to the Crown not to depend on gender**

### **6                      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 (by United Kingdom time) does not give that person, or that person's descendants, precedence over any other person (whenever born).

## **Part 3                      Marriage and succession to the Crown**

### **7                      Removal of disqualification arising from marriage to a Roman Catholic**

- (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 commencement of this section if the person concerned is alive at that commencement (as well as in relation to marriages occurring after that commencement).

### **8                      Disqualification arising from marriage**

A person is disqualified from succeeding to the Crown if the person is disqualified by section 3(3) of the *Succession to the Crown Act 2013* of the United Kingdom, as in force at the commencement of this section, from succeeding to the Crown in right of the United Kingdom.

## **9 Royal Marriages Act 1772 repealed**

The *Royal Marriages Act 1772* of Great Britain, so far as that Act is part of the law of the State, is repealed.

## **10 Validation of some marriages voided by the Royal Marriages Act 1772**

- (1) A marriage that was void under the *Royal Marriages Act 1772* of Great Britain, so far as that Act was part of the law of the State before its repeal by section 9, 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; and
  - (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; and
  - (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
  - (d) no person acted, before the commencement of this subsection, on the basis that the marriage was void.
- (2) Subsection (1) applies for all purposes except those relating to succession to the Crown.

## **11 Application of amendments**

- (1) Any amendment made by part 7 applies in relation to marriages occurring before the commencement of that part if the person concerned is alive at that commencement (as well as in relation to marriages occurring after that commencement).
- (2) References to an Act in part 7 are to that Act so far as it is part of the law of the State.



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## Part 4 General

### 12 References to Bill of Rights and Act of Settlement

References, however expressed, in any law that forms part of the law of the State, 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 and of the Act of the Parliament of the Commonwealth requested by section 14.

### 13 Union legislation affected by this Act

So far as they are part of the law of the State, the following are subject to this Act—

- (a) Article II of the *Union with Scotland Act 1706* of England;
- (b) Article II of the *Union with England Act 1707* of Scotland;
- (c) Article Second of the *Union with Ireland Act 1800* of Great Britain;
- (d) Article Second of the *Act of Union (Ireland) 1800* of Ireland.

## Part 5 Request for Commonwealth legislation

### 14 Request for Commonwealth legislation

- (1) The Parliament requests the enactment by the Parliament of the Commonwealth of an Act in the terms, or substantially in the terms, set out in schedule 1.
- (2) Subsection (1) is not affected or limited in any way by any other provision of this Act.

## **Part 7**                      **Amendment of other Acts**

### **Division 1**                      **Amendment of Act of Settlement**

#### **17**      **Act amended**

This division amends the *Act of Settlement* passed by the Parliament of England.

#### **18**      **Amendment of preamble**

(1) Preamble, ‘or marry a papist’—

*omit.*

(2) Preamble, ‘or marrying’—

*omit.*

#### **19**      **Amendment of s 2**

Section 2, ‘or shall marry a papist’—

*omit.*

### **Division 2**                      **Amendment of Bill of Rights**

#### **20**      **Act amended**

This division amends the *Bill of Rights* passed by the Parliament of England.

#### **21**      **Amendment of s 1**

(1) Section 1, ‘or by any King or Queene marrying a papist’—

*omit.*

(2) Section 1, ‘or shall marry a papist’—

*omit.*

(3) Section 1, ‘or marrying’—

*omit.*

## Schedule 1

section 14

### **An Act to change the law relating to royal succession and royal marriages, and for related purposes**

#### **Preamble**

On 28 October 2011, representatives of nations of which Her Majesty is the Sovereign agreed that the rules on succession to, and possession of, the Crown should be changed so as to make succession not depend on gender and to end the disqualification arising from marrying a Roman Catholic.

The United Kingdom has further proposed to disqualify certain persons from succeeding to the Crown as a result of marriage, to repeal the *Royal Marriages Act 1772* and to validate certain marriages made void by that Act.

For the purposes of paragraph 51(xxxviii) of the Constitution the Parliaments of all the States have requested the Parliament of the Commonwealth of Australia to enact an Act in the terms, or substantially in the terms, of this Act.

**The Parliament of Australia therefore enacts:**

### **Part 1—Preliminary**

#### **1 Short title**

This Act may be cited as the *Succession to the Crown Act 2013*.

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Sections 3, 4 and 5	The day this Act receives the Royal Assent.	
3. Parts 2, 3 and 4	A time and day, or times and days, to be fixed by Proclamation.	
4. Part 5	The day this Act receives the Royal Assent.	
5. Schedule 1	A time and day, or times and days, to be fixed by Proclamation.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Object of this Act

The main object of this Act is to change the law relating to the effect of gender and marriage on royal succession, consistently with changes made to that law in the United Kingdom, so that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom.

#### **4 Relationship with Sovereign not affected**

This Act is not intended to affect the relationship between the Sovereign and the Commonwealth, the States and the Territories as existing immediately before its enactment.

#### **5 Definition of *Crown***

In this Act:

*Crown* means the Crown in all of its capacities.

### **Part 2—Succession to the Crown not to depend on gender**

#### **6 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 (by United Kingdom time) does not give that person, or that person's descendants, precedence over any other person (whenever born).

### **Part 3—Marriage and succession to the Crown**

#### **7 Removal of disqualification arising from marriage to a Roman Catholic**

- (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 commencement of this section if the person concerned is alive at that commencement (as well as in relation to marriages occurring after that commencement).

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**8 Disqualification arising from marriage**

A person is disqualified from succeeding to the Crown if the person is disqualified by subsection 3(3) of the *Succession to the Crown Act 2013* of the United Kingdom, as in force at the commencement of this section, from succeeding to the Crown in right of the United Kingdom.

**9 Amendments and repeal relating to marriage and succession to the Crown**

Each Act of England or Great Britain that is specified in Schedule 1, so far as that Act is part of the law of the Commonwealth, a State or a Territory, is amended or repealed as set out in the applicable items in Schedule 1, and any other item in Schedule 1 has effect according to its terms.

**Part 4—Other modifications of parts of the law of the Commonwealth, States and Territories****10 References to Bill of Rights and Act of Settlement**

References, however expressed, in any law that forms part of the law of the Commonwealth or a Territory, to the provisions of the Bill of Rights or the Act of Settlement relating to succession to, or possession of, the Crown are to be read as including references to the provisions of this Act.

**11 Union legislation affected by this Act**

So far as they are part of the law of the Commonwealth, a State or a Territory, the following are subject to this Act:

- (a) Article II of the *Union with Scotland Act 1706* of England;
- (b) Article II of the *Union with England Act 1707* of Scotland;
- (c) Article Second of the *Union with Ireland Act 1800* of Great Britain;

- (d) Article Second of the *Act of Union (Ireland) 1800* of Ireland.

## **Part 5—Repeal or amendment of this Act**

### **12 Repeal or amendment of this Act**

This Act may be expressly or impliedly repealed or amended only by an Act passed at the request or with the concurrence of the Parliaments of all the States.



## **Schedule 1—Further provisions relating to marriage and succession to the Crown**

### **Part 1—Amendments relating to marriage to a Roman Catholic**

#### ***Act of Settlement***

**1 Preamble**

Omit “or marry a papist”.

**2 Preamble**

Omit “or marrying”.

**3 Section 2**

Omit “or shall marry a papist”.

#### ***Bill of Rights***

**4 Section 1**

Omit “or by any King or Queene marrying a papist”.

**5 Section 1**

Omit “or shall marry a papist”.

**6 Section 1**

Omit “or marrying”.

## **7 Application of amendments**

The amendments made by this Part apply in relation to marriages occurring before the commencement of this Part if the person concerned is alive at that commencement (as well as in relation to marriages occurring after that commencement).

## **Part 2—Repeal of the Royal Marriages Act 1772**

### **8 The whole of the Act**

Repeal the Act.

### **9 Validation of some marriages voided by the *Royal Marriages Act 1772***

- (1) A marriage that was void under the *Royal Marriages Act 1772* of Great Britain, so far as that Act was part of the law of the Commonwealth, a State or a Territory, 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; and
  - (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; and
  - (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
  - (d) no person acted, before the commencement of this item, on the basis that the marriage was void.
- (2) Subitem (1) applies for all purposes except those relating to succession to the Crown.