

## Assembly Section

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Mr Shane McAteer  
Clerk  
Committee for Finance and Personnel  
Room 419  
Parliament Buildings  
Stormont

Our Ref : CFP215/11-15

20 March 2013

**Dear Shane,**

Thank you for your letter of 8 March 2013 regarding the Marriage (Same Sex Couples) Bill ("the Bill") and the correspondence in relation to the Bill from the Northern Ireland Human Rights Commission ("NIHRC").

The Committee has asked –

- whether a legislative consent motion is required in respect of the provisions in the Bill which extend to Northern Ireland; and
- the impact which the Bill will have in respect of the application in Northern Ireland of the Human Rights Act 1998 and the jurisprudence of the Supreme Court.

With regard to the first point, the law on marriage is devolved and the Bill provides for same sex marriage to be lawful in England and Wales only. However, it also provides for certain amendments to be effected to UK-wide legislation to take account of the proposed new legislative regime in England and Wales (either on the face of the Bill or by conferring a power to make secondary legislation) and for the status in Northern Ireland of same sex marriages which are conducted in England and Wales. The UK Government has asked for a legislative consent motion in respect of the Northern Ireland

related provisions and the Minister of Finance and Personnel is currently considering that request.

With regard to the second point, Hugh Robertson (Minister of State, Department for Culture, Media and Sport) has confirmed that “there is absolutely no requirement on Northern Ireland to introduce same-sex marriages, neither an equality requirement nor a requirement under the European Convention on Human Rights” (see the Hansard report of the Committee session on the Bill on 7 March 2013, column 422). The Bill is not, therefore, being presented as a measure which is required to protect human rights. Moreover, the NIHRC has already conceded that the jurisprudence of the European Court of Human Rights does not require the introduction of same sex marriage (see paragraph 7 of the NIHRC’s letter of 11 June 2012 to the Rt Hon Theresa May MP and Lynne Featherstone MP, which was copied to the Committee) and the Human Rights Act 1998 should not, therefore, be an issue.

Yours sincerely,

A handwritten signature in blue ink that reads "Judith Finlay". The signature is written in a cursive, slightly slanted style.

**JUDITH FINLAY**  
**Departmental Assembly Liaison Officer**