

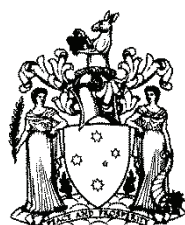
Authorised Version
Succession to the Crown (Request) Act 2013
No. 60 of 2013

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Authorised Version



Victoria

Succession to the Crown (Request) Act 2013[†]

No. 60 of 2013

[Assented to 22 October 2013]

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.

It is expedient to request the Parliament of the Commonwealth to change the law relating to royal succession and royal marriages by legislating under section 51(xxxviii) of the Constitution of the

Commonwealth in the terms, or substantially in the terms, set out in Schedule 1.

The Parliament of Victoria therefore enacts:

PART 1—PRELIMINARY

1 Purpose

The main purpose of this Act is to request the Parliament of the Commonwealth to change the law relating to royal succession and royal marriages by enacting an Act under section 51(xxxviii) of the Constitution of the Commonwealth in the terms, or substantially in the terms, set out in Schedule 1.

2 Commencement

- (1) This Act (except section 7 and Schedule 2) comes into operation on the day on which it receives the Royal Assent.
- (2) Section 7 comes into operation on the day and time on which section 10 of the Act of the Commonwealth requested by section 5 of this Act comes into operation.
- (3) Item 1.1 of Schedule 2 comes into operation on the day and time on which section 6 of the Act of the Commonwealth requested by section 5 of this Act comes into operation.
- (4) Item 2.1 of Schedule 2 comes into operation on the day and time on which items 4, 5 and 6 of Schedule 1 to the Act of the Commonwealth requested by section 5 of this Act come into operation.

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- (5) Items 2.2 and 2.3 of Schedule 2 come into operation on the day and time on which item 8 of Schedule 1 to the Act of the Commonwealth requested by section 5 of this Act comes into operation.

3 Object of this Act

The main object of this Act is to facilitate the law relating to the effect of gender and marriage on royal succession being changed uniformly across Australia and 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

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 affected by the enactment by the Parliament of the Commonwealth of the Act requested by section 5.

**PART 2—REQUEST FOR COMMONWEALTH
LEGISLATION**

5 Request for Commonwealth legislation

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.

PART 3—GENERAL

6 Consequential amendments

On the coming into operation of an item in Schedule 2, the Act specified in the heading to that item is amended as set out in that item.

7 References to Bill of Rights and Act of Settlement

References, however expressed, in any law that is 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 Succession to the Crown Act 2013 of the Commonwealth.

SCHEDULES

SCHEDULE 1

**SUCCESSION TO THE CROWN ACT 2013 OF THE
COMMONWEALTH**

Section 5

**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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
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).

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;

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- (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 where 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.

SCHEDULE 2

Section 6

1 Crimes Act 1958

1.1 In section 9A(1)(b) for "son" **substitute** "child".

2 Imperial Acts Application Act 1980

2.1 In Division 3 of Part II, in the entry relating to [1688] I William and Mary Sess. II (Bill of Rights) c. II, in the paragraph 9 that begins "And whereas it hath been found"—

(a) **omit** ", or by any King or Queen marrying a papist";

(b) **omit** ", or shall marry a papist,";

(c) **omit** ", or marrying".

2.2 Division 5 of Part II is **repealed**.

2.3 In the Schedule **omit** the entry relating to Royal Marriages.

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 26 June 2013

Legislative Council: 5 September 2013

The long title for the Bill for this Act was "A Bill for an Act to request the Parliament of the Commonwealth to enact under section 51(xxxviii) of the Constitution of the Commonwealth an Act to change the law relating to royal succession and royal marriages, and to make consequential amendments to the **Crimes Act 1958** and the **Imperial Acts Application Act 1980**."