



Queensland

Succession to the Crown Bill 2013



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2013

A Bill

for

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 and 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 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.

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
1 Short title	3
This Act may be cited as the <i>Succession to the Crown Act 2013</i> .	4 5
2 Commencement	6
This Act commences on a day to be fixed by proclamation.	7
3 Definition	8
In this Act—	9
<i>Crown</i> means the Crown in all of its capacities in respect to which the Parliament of the State has the power to legislate.	10 11
4 Object of this Act	12
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 being made to that law in other Australian jurisdictions and in the United Kingdom, so that the same person is the Sovereign of Australia and of the United Kingdom.	13 14 15 16 17 18
5 Relationship with Sovereign not affected	19
This Act is not intended to affect the relationship between the Sovereign and the State as existing immediately before its enactment.	20 21 22

[s 6]

Part 2	Succession to the Crown not to depend on gender	1 2
6	Succession to the Crown not to depend on gender	3
	In determining the succession to the Crown, the gender of a person born after 28 October 2011 does not give that person, or that person's descendants, precedence over any other person (whenever born).	4 5 6 7
Part 3	Marriage and succession to the Crown	8 9
7	Removal of disqualification arising from marriage to a Roman Catholic	10 11
	(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.	12 13 14
	(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).	15 16 17 18
8	Disqualification arising from marriage	19
	A person is disqualified from succeeding to the Crown if the person is disqualified from succession by section 3(3) of the <i>Succession to the Crown Act 2013</i> of the United Kingdom as in force at the commencement of this section.	20 21 22 23
9	Royal Marriages Act 1772 repealed	24
	The <i>Royal Marriages Act 1772</i> of Great Britain, so far as that Act is part of the law of the State, is repealed.	25 26

10	Validation of some marriages voided by the Royal Marriages Act 1772	1 2
(1)	A marriage that was void under the <i>Royal Marriages Act 1772</i> 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—	3 4 5 6
(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	7 8 9
(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	10 11 12
(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	13 14 15
(d)	no person acted on the basis that the marriage was void before the commencement of this subsection.	16 17
(2)	Subsection (1) applies for all purposes except those relating to succession to the Crown.	18 19
11	Application of amendments	20
(1)	Any amendment made by part 6 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).	21 22 23 24 25
(2)	References to an Act in part 6 are to that Act so far as it is part of the law of the State.	26 27

[s 12]

Part 4	General	1
12	References to Bill of Rights and Act of Settlement	2
	References, however expressed, in any law that forms part of the law of the State, to the provisions of the <i>Bill of Rights</i> or the <i>Act of Settlement</i> relating to the succession to, or possession of, the Crown are to be read as including references to the provisions of this Act.	3 4 5 6 7
13	Union with Ireland Act 1800 of Great Britain and Act of Union (Ireland) 1800 of Ireland affected by this Act	8 9
	So far as they are part of the law of the State, Article Second of the <i>Union with Ireland Act 1800</i> of Great Britain and Article Second of the <i>Act of Union (Ireland) 1800</i> of Ireland are subject to this Act.	10 11 12 13
Part 5	Amendment of Imperial Acts Application Act 1984	14 15
14	Act amended	16
	This part amends the <i>Imperial Acts Application Act 1984</i> .	17
15	Amendment of sch 1 (Imperial enactments continued in force)	18 19
	Schedule 1, item 16—	20
	<i>omit.</i>	21

Part 6	Amendment of other Acts	1
Division 1	Amendment of Act of Settlement	2
16	Act amended	3
	This division amends the <i>Act of Settlement</i> passed by the Parliament of England.	4 5
17	Amendment of preamble	6
(1)	Preamble, ‘or marry a papist’— <i>omit.</i>	7 8
(2)	Preamble, ‘or marrying’— <i>omit.</i>	9 10
18	Amendment of s 2	11
	Section 2, ‘or shall marry a papist’— <i>omit.</i>	12 13
Division 2	Amendment of Bill of Rights	14
19	Act amended	15
	This division amends the <i>Bill of Rights</i> passed by the Parliament of England.	16 17
20	Amendment of s 1	18
(1)	Section 1, ‘or by any King or Queene marrying a papist’— <i>omit.</i>	19 20
(2)	Section 1, ‘or shall marry a papist’—	21

[s 21]

<i>omit.</i>	1
(3) Section 1, ‘or marrying’—	2
<i>omit.</i>	3
Division 3	
Amendment of Union with England Act 1707	4
	5
21 Act amended	6
This division amends the <i>Union with England Act 1707</i>	7
passed by the Parliament of Scotland.	8
22 Amendment of article II	9
(1) Article II, ‘and persons marrying papists’—	10
<i>omit.</i>	11
(2) Article II, ‘or person marrying a papist’—	12
<i>omit.</i>	13
Division 4	
Amendment of Union with Scotland Act 1706	14
	15
23 Act amended	16
This division amends the <i>Union with Scotland Act 1706</i>	17
passed by the Parliament of England.	18
24 Amendment of article II	19
(1) Article II, ‘and persons marrying papists’—	20
<i>omit.</i>	21

- (2) Article II, ‘or person marrying a papist’— 1
omit. 2

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