NORTHERN TERRITORY OF AUSTRALIA

SUCCESSION TO THE CROWN (REQUEST) (NATIONAL UNIFORM LEGISLATION) ACT 2013

As in force at 8 November 2013

Table of provisions

1 Short title 1
2 Object of this Act 1
3 Relationship with Sovereign not affected 2
4 Request for Commonwealth legislation 2

Schedule Requested Commonwealth legislation

ENDNOTES

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As in force at 8 November 2013

SUCCESSION TO THE CROWN (REQUEST) (NATIONAL UNIFORM LEGISLATION) ACT 2013

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 certain Acts

PREAMBLE

(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 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 the Schedule to this Act.

1 Short title

This Act may be cited as the *Succession to the Crown (Request) (National Uniform Legislation) Act 2013*.

2 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.

3 Relationship with Sovereign not affected

It is not the intention of this Act to affect the relationship between the Sovereign and the Territory 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 4.

4 Request for Commonwealth legislation

The Legislative Assembly requests the enactment by the Parliament of the Commonwealth of an Act in the terms, or substantially in the terms, set out in the Schedule.

Schedule Requested Commonwealth legislation

section 4

A Bill for 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;

(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.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Succession to the Crown (Request) (National Uniform Legislation) Act 2013* (Act No. 30, 2013)**

Assent date	8 November 2013
Commenced	8 November 2013