

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

MATRIMONIAL CAUSES AMENDMENT ACT 2016

WHEREAS it is expedient to amend the Matrimonial Causes Act 1974 to confirm that marriage remains exclusively a relationship between a man and a woman;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Matrimonial Causes Amendment Act 2016.

Amends section 15

2 The provisions of section 15 of the Matrimonial Causes Act 1974 become subsection (1) of that section, and after that subsection insert—

“(2) Subsection (1)(c) has effect notwithstanding anything to the contrary in the Human Rights Act 1981.”

MATRIMONIAL CAUSES AMENDMENT BILL 2016

EXPLANATORY MEMORANDUM

This Bill seeks to confirm that, notwithstanding the Human Rights Act 1981, marriage remains exclusively a relationship between a man and a woman.

Clause 1 is self-explanatory.

Clause 2 amends section 15 of the Matrimonial Causes Act 1974 by inserting a new subsection (2) to confirm that subsection (1)(c) (which provides that a marriage is void unless the parties are male and female) has effect notwithstanding anything to the contrary in the Human Rights Act 1981. This has the effect of displacing the primacy provision in section 30B(1) of the Human Rights Act 1981, and the power of the Supreme Court in section 29(1) of that Act to declare the provision inoperative.