

## **SUCCESSION TO THE CROWN BILL**

### **Memorandum by the Cabinet Office for the House of Lords Delegated Powers and Regulatory Reform Committee**

#### **Introduction**

1. This memorandum describes the contents of the Succession to the Crown Bill and sets out the one provision in it which confers power to make delegated legislation, the purpose of that power, the rationale for including the subject matter in secondary legislation rather than primary legislation and the intended parliamentary scrutiny procedure.

#### **Background**

2. The Bill gives effect to the agreement in principle reached on 28 October 2011 by the Prime Ministers of the 16 nations ('the realms') of which Her Majesty is head of state to change the laws of succession to the Crown so as to abolish provisions which are discriminatory on the grounds of religion and sex. It also makes provision replacing the Royal Marriages Act 1772, which, although not mentioned in the agreement, had been referred to in the Prime Minister's invitation to the other realms' Prime Ministers to consider the first two issues.

3. On 2 December the Government received final written agreement to the terms of the Bill from the Prime Ministers and Cabinet Secretaries of all the other fifteen Commonwealth Realms. The government of the United Kingdom is introducing its legislation first but will not bring it into force until all the other realms have taken any necessary legislative or other steps in their own jurisdictions. In some cases it will be necessary for a realm to introduce its own legislation to the same effect as the Bill. The changes will then come into force at the same time throughout the realms.

#### **The Bill**

4. The Succession to the Crown Bill makes three changes to the law governing the succession to the Crown of the United Kingdom -

(1) it abolishes the rule of male-preference primogeniture under which a younger son displaces an elder daughter in the line of succession (clauses 1 and 4 and paragraph 1 of the Schedule);

(2) it removes the prohibition from succeeding to the Crown on a person who marries a Roman Catholic, by amending those Acts which impose or refer to the prohibition (clauses 2 and 4 and paragraphs 2, 3 and 5 of the Schedule);

(3) it repeals the Royal Marriages Act 1772 and replaces it with a requirement that people who are within the first six people in the line of succession obtain the sovereign's consent to their marriage; those who fail to do so are removed from the line of succession but their marriages remain valid, unlike the position under the 1772 Act (clauses 3 and 4 and paragraph 4 of the Schedule).

5. Clause 5 deals with commencement and the short title.

**Provision containing delegated powers**

Commencement power (clause 5(2))

*Power conferred upon: Lord President of the Council*

*Power exercisable by: Order made by statutory instrument, subject to no parliamentary procedure*

6. Clause 5(2) contains a standard power to bring the principal provisions of the Bill into force by commencement order. It is conferred on the Lord President of the Council. As is usual with commencement orders, the order is not subject to any parliamentary procedure, since Parliament has approved the substance of the provisions to be commenced by enacting them. As indicated, it is not considered appropriate for the Act to come into force for the United Kingdom until the other realms are ready to commence any necessary provisions of their own. The power in clause 5(2) will enable the new rules on succession to come into force at the same time throughout the realms and the reference in clause 5(3) to different times will enable account to be taken of the realms' different time zones. Clause 5(3) also provides a degree of flexibility should unforeseen circumstances arise and it becomes necessary to bring different provisions into force on different days.