

Version
as at 28 October 2021



Royal Succession Act 2013

Public Act 2013 No 149
Date of assent 17 December 2013
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Royal Succession Act 2013.

2 Commencement

- (1) Parts 1 and 2 come into force at a time, and on a day, to be appointed by the Governor-General by Order in Council.
- (2) One or more orders may be made appointing different times and days for different provisions.
- (3) Before the time and day appointed for a provision by an order under subsection (1) (in this Act called the **changeover**), the order may be amended or revoked.
- (4) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1): Parts 1 and 2 brought into force, at 1 pm on 26 March 2015, by the Royal Succession Act Commencement Order 2015 (LI 2015/54).

Section 2(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1

Formal and substantive provisions

Formal provisions

3 Purpose

The purpose of this Act is—

- (a) to implement in New Zealand law changes to the rules of Royal succession approved in principle at a meeting on 28 October 2011, coinciding with the Commonwealth Heads of Government Meeting in Perth, Australia, or agreed through later discussions among the Sovereign's Realms:
- (b) to provide for the succession to the Crown to be determined without regard to the sex of people born after 12 noon on 29 October 2011 (New Zealand daylight time):
- (c) to abolish the exclusions from the succession to and possession of the Crown of people who marry a person of the Roman Catholic faith:
- (d) to provide for the Royal Marriages Act 1772 to cease to be part of the laws of New Zealand, and to enact in its place provisions requiring the consent of the Sovereign in right of the United Kingdom of Great Britain and Northern Ireland to the marriage of any person at a time when the person is one of the 6 people next in the line of succession to the Crown:
- (e) to validate (for purposes other than succession to the Crown purposes) certain marriages solemnised without awareness of, and compliance with, the requirements of the Royal Marriages Act 1772.

4 Act binds the Crown

This Act binds the Crown.

Substantive provisions

5 Precedence of younger brothers over older sisters in relation to succession to the Crown abolished

- (1) In the determination of the succession to the Crown, no regard is to be had to the sex of any person born after 12 noon on 29 October 2011 (New Zealand daylight time).
- (2) The rule of law by which a younger brother or a descendant of his has, in relation to succession to the Crown, precedence over an older sister or a descendant of hers is abolished to the extent that it conflicts with subsection (1).

6 Exclusions from succession to and possession of the Crown of people who marry Roman Catholic abolished

No person is excluded from succeeding to or possessing the Crown by virtue only of marrying, after the changeover, a person of the Roman Catholic faith.

7 Restoration to succession to and possession of the Crown of certain people who have married Roman Catholic

No person alive immediately before the changeover is excluded from succeeding to or possessing the Crown by virtue only of having married, before the changeover, a person of the Roman Catholic faith.

8 Certain people excluded from succession to the Crown on marrying without consent of Sovereign

- (1) A person who, after the changeover, proposes to marry, and who immediately before marrying is one of the 6 people next in the line of succession to the Crown, must obtain before marrying the consent to the marriage concerned of the Sovereign in right of the United Kingdom of Great Britain and Northern Ireland.
- (2) The effect of a person's failure to comply with subsection (1) is that the person and the person's descendants from the marriage concerned are excluded from succeeding to the Crown.

9 Certain marriages of descendants of George II validated

- (1) The Royal Marriages Act 1772 must, for all purposes other than purposes relating to succession to the Crown, be treated as never having applied to a marriage (being a marriage that, but for this section, would under that Act be null and void to all intents and purposes whatsoever) if,—
 - (a) at the time the marriage was solemnised, neither party was one of the 6 people next in the line of succession to the Crown; and
 - (b) at the time the marriage was solemnised, the (or each) party descended from His late Majesty King George the Second was unaware, and it was reasonable in all the circumstances for that (or for each such) party not to be aware, that that Act applied to it; and
 - (c) before the changeover, no person has acted on the basis that the marriage was void.
- (2) A party to the marriage is, for the purposes of this section, aware that that Act applied to it if consent under section 1 of that Act to the marriage was sought before it was solemnised (whether or not notice was also given under section 2 of that Act relating to the marriage before it was solemnised).
- (3) Subsection (2) does not limit subsection (1)(b).

Part 2

Application in New Zealand of Imperial Acts

10 Application of Bill of Rights 1688

The Bill of Rights 1688 (1 Will and Mar Sess 2, c 2) continues to be part of the laws of New Zealand, but as if, on the changeover, it had been amended by deleting from section 1—

- (a) “or by any King or Queene marrying a Papist”; and
- (b) “or shall marry a Papist”; and
- (c) “or marrying”.

11 Application of Act of Settlement 1700

The Act of Settlement 1700 (12 and 13 Will 3, c 2) continues to be part of the laws of New Zealand, but as if, on the changeover, it had been amended by—

- (a) deleting from the Preamble “or marry a Papist” and “or marrying”; and
- (b) deleting from section 2 “or shall marry a Papist”.

12 Application of Royal Marriages Act 1772

- (1) On the changeover, the Royal Marriages Act 1772 ceases to be part of the laws of New Zealand.

- (2) Sections 32 to 35 of the Legislation Act 2019 apply to the Royal Marriages Act 1772 as if it were an Act of the Parliament of New Zealand and subsection (1) had repealed it on the changeover.

Section 12(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

13 Imperial Laws Application Act 1988 amended

- (1) This section consequentially amends the Imperial Laws Application Act 1988.
- (2) In Schedule 1,—
 - (a) in the item relating to the Bill of Rights 1688, after “(6 Geo 4, c 50)”, insert “and section 10 of the Royal Succession Act 2013”; and
 - (b) in the item relating to the Act of Settlement 1700,—
 - (i) after “Preamble”, insert “(as amended by section 11(a) of the Royal Succession Act 2013)”; and
 - (ii) after “(10 Edw 7 and 1 Geo 5, c 29)”, insert “(and section 11(b) of the Royal Succession Act 2013)”; and
 - (c) repeal the item relating to the Royal Marriages Act 1772.

Notes**1 *General***

This is a consolidation of the Royal Succession Act 2013 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Royal Succession Act Commencement Order 2015 (LI 2015/54)