

# **SAME SEX MARRIAGE (PROHIBITION) ACT, 2013**

## **EXPLANATORY MEMORANDUM**

This Act prohibits a marriage contract or civil union entered into between persons of same sex, and provides penalties for the solemnisation and witnessing of same thereof.

# **SAME SEX MARRIAGE (PROHIBITION) ACT, 2013**

## **ARRANGEMENT OF SECTIONS**

### **Section:**

1. Prohibition of marriage or civil union by persons of same sex.
2. Solemnization of same sex marriage in places of worship.
3. Recognized marriage in Nigeria.
4. Registration of homosexual clubs and societies.
5. Offences and penalties.
6. Jurisdiction.
7. Interpretation.
8. Citation.

# SAME SEX MARRIAGE (PROHIBITION) ACT, 2013

A BILL

FOR

**An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same; and for related matters.**

[ ] Commencement.

**ENACTED** by the National Assembly of the Federal Republic of Nigeria:

1. (1) A marriage contract or civil union entered into between persons of same sex:
  - (a) is prohibited in Nigeria; and
  - (b) shall not be recognised as entitled to the benefits of a valid marriage.
- (2) A marriage contract or civil union entered into between persons of same sex by virtue of a certificate issued by a foreign country is void in Nigeria, and any benefit accruing there-from by virtue of the certificate shall not be enforced by any court of law.
2. (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship in Nigeria.
- (2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.
3. Only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.
4. (1) The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited.
- (2) The public show of same sex amorous relationship directly

Prohibition of marriage or civil union by persons of same sex.

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or indirectly is prohibited.

5. (1) A person who enters into a same sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment. Offences and Penalties.
- (2) A person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.
- (3) A person or group of persons who administers, witnesses, abets or aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.

6. The High Court of a State or of the Federal Capital Territory shall have jurisdiction to entertain matters arising from the breach of the provisions of this Act. Jurisdiction.

7. In this Act: Interpretation.

“marriage” means a legal union entered into between persons of opposite sex in accordance with the Marriage Act, Islamic Law or Customary Law;

“Court” means High Court of a State or of the Federal Capital Territory;

“same sex marriage” means the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship;

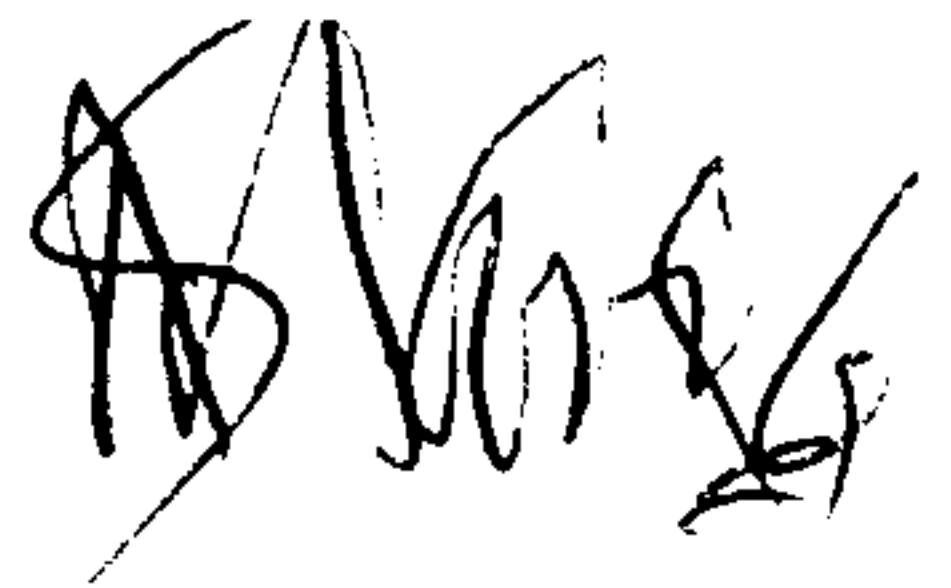
“witness” means a person who signs or witnesses the solemnisation of the marriage; and

“civil union” means any arrangement between persons of the

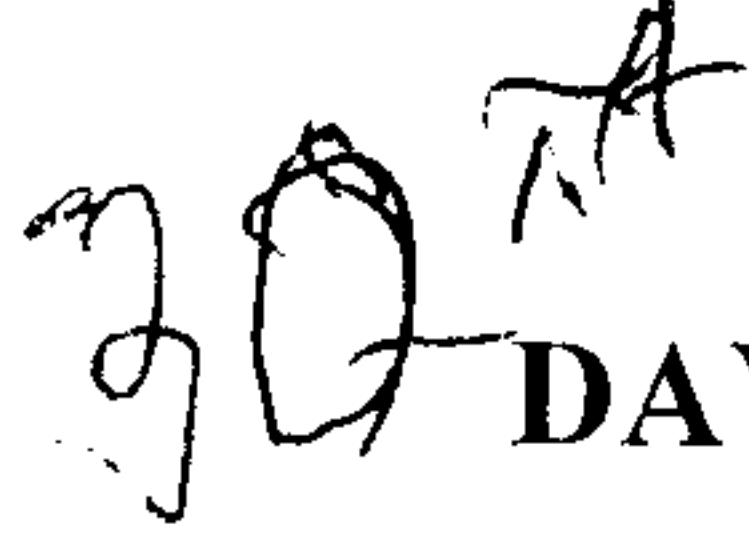
same sex to live together as sex partners, and includes such descriptions as:

- (a) adult independent relationships;
- (b) caring partnerships;
- (c) civil partnerships;
- (d) civil solidarity pacts;
- (e) domestic partnerships;
- (f) reciprocal beneficiary relationships;
- (g) registered partnerships;
- (h) significant relationships; and
- (i) stable unions.

8. This Act may be cited as the Same Sex Marriage (Prohibition) Citation.  
Act, 2013.



**SALISU ABUBAKAR MAIKASUWA, OON, mni**  
**CLERK TO THE NATIONAL ASSEMBLY**



**DAY OF DECEMBER, 2013**


**SCHEDULE TO THE SAME SEX MARRIAGE (PROHIBITION) BILL, 2013**

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
SAME SEX MARRIAGE (PROHIBITION) BILL, 2013	An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same; and for related matters.	This Act prohibits marriage contract or civil union between persons of same sex and provides penalties for the solemnization and witnessing of same.	17 <sup>th</sup> December, 2013	17 <sup>th</sup> December, 2013

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.



**SALISU ABUBAKAR MAIKASUWA, OON, mni**  
 Clerk of the National Assembly  
 21<sup>st</sup> Day of December, 2013



**DR. GOODLUCK EBELLE JONATHAN, GCFR**  
 President of the Federal Republic of Nigeria  
 17<sup>th</sup> Day of December, 2013

I ASSENT.