

# THE HOUSE OF ASSEMBLY OF THE VIRGIN ISLANDS

## RESOLUTION NO. OF 2023

[Gazetted 30<sup>th</sup> June, 2023]

**WHEREAS** section 13(1)(c) of the Matrimonial Proceedings and Property Act, No. 6 of 1995, provides that a marriage which takes place after the commencement of the Act shall be void if the parties are not respectively male and female;

**WHEREAS** recent legal challenges have been raised in relation to human rights issues and the constitutionality of section 13(1)(c) of the Matrimonial Proceedings and Property Act, in an effort to declare the said provision unconstitutional, null and void;

**WHEREAS** section 2 of the Referendum Act, No. 9 of 2002, provides that the Cabinet may refer any matter for determination at a referendum in accordance with the provisions of the Act and such power conferred shall be exercised only where the Cabinet is of the view that a special subject is of such national importance that it should be referred to the electorate for determination;

**WHEREAS** section 3(1)(a) and (b) of the Referendum Act provides that where the Cabinet makes a determination under section 2(2), it shall specify the special subject to be referred to a referendum and prepare a resolution in respect of the special subject for the approval of the House of Assembly;

**WHEREAS** section 3(2) and (3) of the Referendum Act, provides that a statement of the question to be determined at the referendum shall be embodied in the resolution and the resolution referred to shall be presented to the House of Assembly by the Premier;

**WHEREAS** the issue of same sex marriage is considered a complex and special subject matter of national importance which requires public opinion and should therefore be referred to the electorate of the Virgin Islands for determination, with a focus on the following questions:

- (a) Are you in favour of same sex marriage being legalised in the Virgin Islands; and
- (b) Are you in favour of legislation which would provide for civil unions or domestic partnership in the Virgin Islands, which would allow same sex couples to have rights, privileges and benefits, including but not limited to property rights, health and medical benefits, employment and Social security survivors benefits.

**AND WHEREAS** a referendum focusing on the above mentioned questions would signal active consideration by the Government of the Virgin Islands on issues concerning same sex marriage as well as convey the message to the populace of the Virgin Islands that the Government is amenable to its views on the matter, in order to inform and direct the Government

