

# THE REGISTRATION OF CIVIL PARTNERSHIPS SAME SEX MARRIAGE



## Annex E: RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Forward Together

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

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### 3. Permissions - I am responding as...

Individual

/ Group/Organisation

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate* Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No

## CONSULTATION QUESTIONS

### The registration of civil partnerships

#### Question 1 (Paragraphs 2.12 and 2.13)

Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

Yes

No

Don't know

Please give reasons for your answer.

#### Comments

Civil partnerships are a secular institution and there is not a basis in most religions for this particular institution, so they should not be registered through religious ceremonies. Our submission is on behalf of a group of Evangelical Christians in the Church of Scotland and we would have no desire to register civil partnerships through religious ceremonies – indeed we would be unable to do so on the grounds of religious belief.

#### Question 2 (Paragraphs 2.14 to 2.19)

Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?

Yes

No

Don't know

If you have answered no, please explain what elements of the proposals in England and Wales you consider inappropriate for Scotland.

#### Comments

Civil partnerships should remain a secular institution and therefore do not have a place in religious premises.

Question 3 (Paragraphs 2.20 to 2.24)

Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

- Yes   
No   
Don't know

Please give reasons for your answer

Comments

I think this should be preserved as a secular and legal institution.

Question 4 (Paragraphs 2.20 to 2.24)

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

- Yes   
No   
Don't know

Please give reasons for your answer

Comments

This is consistent with individual conscience and we are certainly supportive of the freedom of individual conscience. However the celebrant should not be put under any pressure to act against the tenets of their religion and so we consider that such registration would not be appropriate for Christian

celebrants.

Question 5 (Paragraph 2.25)

Do you agree that religious bodies should not be required to register civil partnerships?

Yes   
No   
Don't know

Please give reasons for your answer

Comments Many religious bodies disagree in principle with civil partnerships and so acknowledge that, although they are possibly in a minority, they should be free to decline to be involved in registering civil partnerships.

Question 6 (Paragraphs 2.26 and 2.27)

Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

Yes   
No   
Don't know

Please give reasons for your answer

Comments Religious celebrants make themselves accountable to their religious body and so should not act against the principles of that particular body.

Question 7 (Paragraphs 2.28 to 2.30)

Do you agree that individual religious celebrants should not be required to register civil partnerships?

Yes   
No   
Don't know

Please give reasons for your answer

Comments This is a matter of conscience for many religious celebrants, consistent with the tenets of their religion. Where possible the rights of one minority should be held in balance with the rights of other minorities - to require religious celebrants to register civil partnerships would be inconsistent with this principle

Question 8 (Paragraphs 2.31 to 2.35)

Which of the options do you favour to ensure that religious bodies and celebrants do not have to register civil partnerships against their will?

Do you favour:

- Option 1   
Option 2   
Neither

If you have another option, please describe it.

Comments The onus should be on those who wish to conduct civil partnership ceremonies to register – this is nearer option 2 than option one. This is because the permission to register civil partnership ceremonies is a change in the status quo and the onus is on those who wish to change the status quo to be active.

However there needs to be explicit separate legal protection for those who do not wish to register partnerships, as proposed by John Mason. This is because the history of equality legislation is that one test case has often been used to push the boundaries and change existing legislation. There needs to be explicit legislation to prevent this happening. Unless there are specific protections those who do not wish to register civil partnerships will feel vulnerable as protecting the rights of this particular minority does not seem to be regarded as a priority by the “establishment.”

Question 9 (Paragraphs 2.36 to 2.40)

Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

- Yes   
No   
Don't know

Please give reasons for your answer

Comments There needs to be explicit legislative protection otherwise equality legislation and possibly human rights legislation may be used to bring discrimination cases against those who do not wish their religious premises to be used for this purpose. Setting this out clearly in legislative provision will ultimately prevent resources being wasted in such discrimination cases.



## Same sex marriage

### Question 10 (Paragraphs 3.11 and 3.12)

Do you agree that the law in Scotland should be changed to allow same sex marriage?

Yes   
No   
Don't know

Please give reasons for your answer

#### Comments

To change the law redefines marriage. In its current stage the term marriage implies a union between opposite sexes. It is about more than a sexual partnership – the fact that the genders complement one another is an important element in the institution of marriage. Same sex marriage is a contradiction in terms.

### Question 11 (Paragraph 3.13)

Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Yes   
No   
Don't know

Please give reasons for your answer

#### Comments

This is a matter of conscience for many and to solemnise same sex marriage goes against fundamental tenets and traditions of many religions.

Question 12 (Paragraphs 3.14 to 3.18)

Do you agree with the introduction of same-sex **civil** marriage only?

Yes

No

Don't know

Please give reasons for your answer

Comments

This is still a redefinition of marriage and so is a contradiction in terms.

Question 13 (Paragraph 3.19)

Do you agree with the introduction of same-sex marriage, **both** religious and civil?

Yes

No

Don't know

Please give reasons for your answer

Comments

This is a redefinition of marriage and is a contradiction in terms.

Question 14 (Paragraphs 3.23 and 3.24)

Do you agree that religious bodies should not be required to solemnise same sex marriage?

Yes

No

Don't know

Please give reasons for your answer

Comments

Many religious bodies would be unable to solemnise same sex marriage and would find themselves in conflict with the state if required to do so.

Question 15 (Paragraphs 3.25 and 3.26)

Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?

Yes

No

Don't know

Please give reasons for your answer

Comments

It is not the business of the state to supersede the established principles of religion in this issue or to interfere in the internal affairs of religious bodies.

Question 16 (Paragraphs 3.27 and 3.28)

Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?

- Yes
- No
- Don't know

Please give reasons for your answer

Comments

To require celebrants to solemnise same sex marriage will put some individuals in conflict with the state. It will also privilege the rights of one minority over the rights of other minorities.

Question 17 (Paragraphs 3.29 to 3.33)

Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will?

- Do you favour:
- Option 1
- Option 2
- Neither
- Don't know

Please give reasons for your answer and if you have another option, please describe it.

Comments

The proposals are not clear enough to give a definitive answer. However we favour separate legislation to protect the rights of religious bodies for

reasons outlined earlier in our response. This response in no way implies approval of the introduction of “same sex marriage” which we are opposed to for the reasons outlined earlier.

Question 18 (Paragraphs 3.34 to 3.39)

Religious bodies may not wish their premises to be used to solemnise same sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

Yes   
No   
Don't know

Please give reasons for your answer

Comments

The history of equality and human rights legislation does not give me confidence that those who do not wish their religious premises to be used will have adequate protection. A recurring pattern has been that somebody tries to insist that, if they cannot have the ceremony they desire, they are being discriminated against. A test case is then brought and the law is changed/extended on the basis of that case. Legislative provision will give some protection.

Question 19 (Paragraph 3.41)

If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?

Yes   
No   
Don't know

Please give reasons for your answer

#### Comments

There are people who register civil partnerships who acknowledge that what they have does not constitute a marriage. Indeed there are rare occasions when registration of a civil partnership is simply about legal protection of a friendship and does not imply a same sex relationship.

#### Question 20 (Paragraph 4.19)

Do you have any other comments?

Yes   
No

We are particularly interested in your views on:

- potential implications of the proposals for transgender people (paragraph 3.42)
- possible transitional arrangements (paragraphs 3.43 and 3.44);
- recognition of Scottish same sex marriages elsewhere (paragraphs 3.45 to 3.49);
- any comments on forced marriage (paragraphs 3.51 and 3.52)
- any comments on sham marriage (paragraph 3.53)
- potential financial implications (paragraphs 4.01 to 4.08);
- potential equality implications (paragraphs 4.09 to 4.14).

#### Comments

As implied throughout our response the state has a duty to protect minorities. The current direction of legislation is in danger of privileging the rights of the minority of the population who are homosexual over the rights of other minorities in our society. Legislation allowing same sex marriage continues this trend at the expense of an institution (marriage) which is fundamental to the stability of our society. Further confusing the definition

of marriage, as the proposed legislation will do, will further undermine the stability of our society.