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

Since civil partnerships, as legal/secular contracts, with no religious connotations, are registered by district/assistant registrars, it is obvious that they, by definition, are civil in nature and not religious. It is therefore without point to register them through religious ceremonies.

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

For the reason given above and because, as referred to in the consultation Document, in Scotland the authorization is based on the celebrant/registrar whereas in England it is on the 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

Civil arrangements are distinct from religious ceremonies. They are not and should not be confused with marriage. The implication that they are 'same-sex' marriage must be avoided and therefore should continue to be registered by a civil registrar in a registration office.

However, if the couple hold religious beliefs, and wish these to be recognized the religious body concerned could find a way of recognizing them, totally outwith any ceremony connected to their union.

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

There is no reason to allow religious celebrants to register civil partnerships as these can/should be done by the specified district registrars. Their secular nature must be recognized and upheld.
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

Religious celebrants should not be required to register civil partnerships. Such a ruling would violate the religious liberty and freedom of conscience that should be enjoyed by all citizens.

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 should not be allowed to register civil partnerships if their church/religious body chooses not to register civil partnerships. Religious bodies and institutions must be allowed to uphold their authority and disciplinary structures. Not to do so would seriously undermine those institutions.
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

Individual celebrants may be entitled not to register civil partnerships even if the celebrants religious body is content to do so. However, this is an issue for each religious body to decide for itself and is not/should not be a matter for the Scottish Government.

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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

Option 2 would maintain the right of the celebrant and the religious body to follow their conscience and the ruling of their religious organization without fear of falling foul of the Equality Act 2010. It is essential that any amendments necessary to ensuring such freedoms for religious bodies/celebrants must be made.
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

If legislation is passed to allow civil partnerships to occur on premises owned or rented by religious bodies, it would be preferable/essential that such legislation contains safeguards to ensure that religious premises could not be used against the wishes of the religious body. If no such clause exists then pressure may be felt by management committees to allow such use against the wishes of their denominations/governing bodies. Unnecessary division may be caused.
**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**

Such a proposal would redefine marriage, taking it out of its historical, cultural and legal setting in which the understanding has been that marriage takes place between a man and a woman. This redefinition would go against the existing majority view. There is no distinction between religious and secular marriage in our civil society and whether conducted in a religious or secular context marriage is fundamental to the nature of our society and contributes to its well being. This time-honoured social institution supports the family and the nurture of children and the state should recognize and support marriage in its civil law.

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**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**

Religious bodies and celebrants should not be required to solemnize same sex marriage. Care must be taken to safeguard the distinction between marriage (whether religious or civil) and other partnerships recognized by civil law. The religious form of words appropriate to unions recognized by religious bodies would be wholly inappropriate. The distinctions inherent in these words must be upheld.
**Question 12 (Paragraphs 3.14 to 3.18)**

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

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't know</th>
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Please give reasons for your answer

Comments

Same-sex 'marriage' is a contradiction in terms. The symbolism which exists in marriage is lost in such unions. Each religious body must decide how to recognize the faith of those seeking to enter into a same sex partnership 'marriage' but this recognition should be outwith any ceremony recognizing that union.

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**Question 13 (Paragraph 3.19)**

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

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't know</th>
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Please give reasons for your answer

Comments

Same-sex marriage should not be legalized whether within a civil or religious context. A false distinction between religious and civil marriage exists. Marriage, whether civil or religious, is an institution central to our society and the stability of our nation and particularly the children within that society. This strength must be preserved and the rights of religious bodies in this matter upheld lest future legislation from Westminster or the European Court of Human Rights rule that there is a right to same-sex Marriage.
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
The Scottish Government must not put itself into a position where it has to impose same-sex marriage on religious bodies, especially those churches and ministers who seek to uphold the definition of marriage as being only between a man and a woman.

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
Religious celebrants should not be allowed to solemnize same sex marriage if their religious body has decided against it because such a move would expose their celebrants who adhere to Biblical standards of morality to pressure from secular society and thereby undermine the authority and discipline within those institutions. All of this would have a destabilizing effect on society and not just on the religious institutions.
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

In the interests of individual freedom, religious celebrants should not be required to solemnize same sex marriage even if their governing institution allows it.

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

Option 2, which would involve the Scottish Government acting independently within its own powers is the preferable alternative, indeed, the only alternative which would/could adequately ensure that the exemption is maintained. Safeguards must be in place to ensure that religious celebrants are not vulnerable to challenges under the Equality Act 2010.
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

Legislative provision i.e. a specific clause stating that such premises cannot be used against the will of the religious body concerned, is necessary to ensure that management committees or clergy must act in accordance with their governing bodies. Unnecessary dissension and division over the use of premises owned or rented by the religious body could otherwise arise.

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
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

In biblical teaching, marriage is the commitment of male and female to each other for life, reflecting Christ’s sacrificial love for the Church. We view all forms of sexual intimacy that occur outside the covenant of heterosexual marriage as sinful distortions of the holiness and beauty God intended for it.