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
As a Kirk Session we believe the entire process to be ill thought through and a pandering to a tiny but vocal minority in our country. The Kirk Session believe this will harm religious liberty in our country, which is unnecessary as civil partnerships are already available in this country. Government have already promised that when civil partnerships were introduced they would be entirely secular. This proposal is a radical departure from that position.

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.
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

Again the Kirk Session would reiterate that Civil partnerships were established as being wholly secular in nature when they were introduced. The Kirk Session believe that they should remain secular, and believe if the law is changed to allow civil partnerships to be conducted by religious celebrants and/or on religious premises it would add further impetus to demands to redefine marriage.

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
The Kirk Session is unanimously opposed to civil partnerships in principle

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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
The Kirk Session feel that it is concerning that the Scottish Government might even think it appropriate to force churches and other religious bodies to conduct civil partnerships.

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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 ☒
The Kirk Session are strongly opposed to any minister being allowed to register civil partnerships and especially in such a scenario as this question suggests. In institutions where the denomination have ruled against registering civil partnerships, the Session is of the opinion that this will significantly undermine the authority and disciplinary structures within those institutions and will lead to further Ecclesiastical division.

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
The Kirk Session is strongly opposed to Government using civil law to impose its will on churches and religious institutions, as this question seems to hint at. The Kirk Session is not assured at all, by expressions made by senior Government ministers that no celebrant will be forced to officiate at Civil partnerships.

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

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
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 [X]
Don't know [ ]

Please give reasons for your answer

Comments

Cross Ness Kirk Session are firmly of the view that same sex marriage is a contradiction in terms. Neither do we accept the false distinction contained within the consultation document between religious and civil marriage.

Marriage is not specifically a religious institution, but is rather if anything a Creation ordinance with Marriage defined as being between a man and a woman for the purpose of raising children has been enshrined in human nature and creation from the outset of human history. Marriage is marriage whether conducted in a religious or secular context. It is fundamental to our very nature and societal wellbeing.

The Kirk Session questions whether this should be overturned to suit the agenda of a small minority? Marriage exists as a social institution to protect and nurture children. If it were just about recognising love, why is it limited to two persons?

Are ministers aware that the suggestion was made at an Equality and Human Rights Commission conference in February that legal rights should be opened up to those in three-way relationships. If same-sex marriage is taken forward in legislation, it will only be a matter of time before demands will be made for marriage to be redefined further to include bi-sexual and polygamous relationships.

The Session questions the accuracy of the claim made by some MSPs that the majority of the Scottish public favour the legalisation of homosexual marriage. Despite the use of selective opinion Polls by the Government the latest Office of National Statistics opinion poll shows the opposite, that a majority are opposed to redefining marriage in this way.

In any case the Kirk Session does not accept that the state has authority to redefine marriage. Rather the governing authorities do have a role in recognising and supporting marriage in civil law.
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 truly worrying aspect of the Government's proposals. Government could not make it a requirement for celebrants to solemnise SSMs without interfering in the legal processes of the country's various religious denominations. Only by changing the Church's articles declaratory and specific acts of Assembly could this change be effected. Only the General Assembly of the Church of Scotland can effect this change.

As stated previously the Kirk Session is not persuaded by pronouncements made by senior ministers such as John Swinney MSP, that no minister will be forced by the proposals to solemnise SSMs. The Kirk Session is painfully aware from past experience that so-called 'permissive' legislation has a nasty habit over time of becoming mandatory legislation.

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  

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

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  

Comments
The Kirk Session is surprised and alarmed that the Scottish Government has even included such a question in the consultation document. We are concerned as to how the Scottish Government will respond should the majority of respondents answer no to this question. In that case, either the government will ignore the majority of respondents, in which case there was little point consulting about this matter, or it will seek to impose same-sex marriage on those churches and ministers who seek to uphold the definition of marriage as being only between a man and a woman.

If this is the case then we will be in the position as we suggest in our answer to question 11 of permissive legislation becoming mandatory.

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

The Kirk Session believe that to force individual ministers to officiate at same-sex marriages in contravention of their conscience and deeply held convictions would be a gross violation of religious liberty.

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
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 [x]
Don’t know [ ]

Please give reasons for your answer

Comments

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

The way that proposed legislation is currently being driven both by Holyrood and Westminster Governments exposes the danger of privileging the rights of the minority of the population who are homosexual over the rights of other minorities in our society.

The Kirk Session remain puzzled as to why the Scottish Government seems so determined to force through this legislation with indecent haste. We remain totally unconvinced of the demand for the redefining of marriage. We do not believe that it is something that the Government should be even contemplating in its legislative programme.

Legislation allowing same sex marriage will continue to erode 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.

The Kirk Session would therefore ask the Scottish Government to abandon its plans to redefine marriage, as we are of the view that this can only have disastrous consequences for us as a nation.