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  x
No
Don’t know

Please give reasons for your answer.

Comments

To allow same sex couples the same choices as opposite sex couples.

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  x
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

Para 2.17 indicates that it is local authorities who designate civil partnership registrars which is correct currently, although this has to be approved by the Registrar-General in Scotland. If faiths wish to designate celebrants to conduct civil partnership registration that would be with the approval of the Registrar-General and not the local authority as the local authority has no locus to designate religious celebrants for civil marriages.
<table>
<thead>
<tr>
<th>Question 3  (Paragraphs 2.20 to 2.24)</th>
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<tbody>
<tr>
<td>Do you agree with allowing religious celebrants to register civil partnerships in religious premises?</td>
</tr>
<tr>
<td>Yes          x</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Don’t know</td>
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<tr>
<td>Please give reasons for your answer</td>
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<td>Comments</td>
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<tr>
<td>This would give the same equality to same sex couples as opposite sex couples.</td>
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<tr>
<th>Question 4  (Paragraphs 2.20 to 2.24)</th>
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<tr>
<td>Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?</td>
</tr>
<tr>
<td>Yes          x</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Don’t know</td>
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<tr>
<td>Please give reasons for your answer</td>
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<td>Comments</td>
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<tr>
<td>See Q1 &amp; Q3 – this allows for greater choice/flexibility and gives the same rights to civil partnerships as civil marriages.</td>
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<tr>
<th>Question 5  (Paragraph 2.25)</th>
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<tr>
<td>Do you agree that religious bodies should not be required to register civil partnerships?</td>
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<td>Yes</td>
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<tr>
<td>No            x</td>
</tr>
<tr>
<td>Don’t know</td>
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<tr>
<td>Please give reasons for your answer</td>
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<tr>
<td>Comments</td>
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This would be condoning discriminatory practice. The fact that a couple may be the same-sex does not mean to say they cannot hold a faith and if the current situation is to be changed, then there should be equality for same-sex couples as well as opposite sex couples.

This does not mean to say that all religious celebrants would agree to registering a civil partnership just as many do not agree to conducting a civil marriage on the basis of one or other of the couple not being a member of the religious organisation, or one or both being a divorcee etc.

Also it is a requirement for local authorities to conduct civil partnership registration and, therefore, there cannot be equality if some organisations are allowed to “opt out”.

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 [x]

Please give reasons for your answer

Comments

This question is not relevant if the organisation has no choice (Q.5) and I’m not sure how an individual celebrant could go against the will of their organisation.

Question 7 (Paragraphs 2.28 to 2.30)

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

Yes [x]
No [ ]
Don’t know [ ]

Please give reasons for your answer

Comments
Yes – this is the case currently with civil marriages. Not all religious celebrants will conduct civil marriages as described in comments for Q.5

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  x  
Option 2  
Neither  

If you have another option, please describe it.

Comments

Having the ability to register a civil partnership and undertaking the registration are different things. It is much simpler to give the right to register civil partnerships to all civil marriage celebrants.

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  x  
No  
Don’t know  

Please give reasons for your answer

Comments

I think that you would have to respect the decision made by the religious organisation. This is no different from the current situation with regard to premises for civil marriages. It is up to the religious organisation what premises they allow to be used for civil marriages.
## Same sex marriage

<table>
<thead>
<tr>
<th>Question 10  (Paragraphs 3.11 and 3.12)</th>
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<tbody>
<tr>
<td>Do you agree that the law in Scotland should be changed to allow same sex marriage?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Don’t know</td>
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</tbody>
</table>

Please give reasons for your answer

### Comments

To provide same sex couples with the same choices and flexibility as opposite sex couples. Many same sex couples who have undergone a civil partnership registration and ceremony, see themselves as married, as do friends and family who know them.

<table>
<thead>
<tr>
<th>Question 11  (Paragraph 3.13)</th>
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<tbody>
<tr>
<td>Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Don’t know</td>
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Please give reasons for your answer

### Comments

Please see response to Q 5.

<table>
<thead>
<tr>
<th>Question 12  (Paragraphs 3.14 to 3.18)</th>
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<tr>
<td>Do you agree with the introduction of same-sex <strong>civil</strong> marriage only?</td>
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<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Don’t know</td>
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Please give reasons for your answer
This option would still prevent people with faith from making their commitment within their religious organisation.

Question 13  (Paragraph 3.19)
Do you agree with the introduction of same-sex marriage, both religious and civil?

Yes  x [ ]
No  [ ]
Don't know  [ ]

Please give reasons for your answer

Comments
This would allow equal rights to same-sex couples as well as opposite sex couples.

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  x [ ]
Don't know  [ ]

Please give reasons for your answer

Comments
This would be discriminatory practice.
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    x
No
Don’t know

Please give reasons for your answer

Comments

I don’t see how a celebrant can go against the views of their religious body.

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    x
No
Don’t know

Please give reasons for your answer

Comments

Yes – this happens currently with civil marriages.

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  x [ ]
Option 2  [ ]
Neither  [ ]
Don’t know [ ]

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

Comments

This makes the process simpler and gives all celebrants the right to solemnise same sex marriages.

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  x [ ]
No  [ ]
Don’t know [ ]

Please give reasons for your answer

Comments

See response to Q.9

Question 19 (Paragraph 3.41)

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

Yes  [ ]
No  x [ ]
Don’t know [ ]

Please give reasons for your answer
Comments

Same-sex couples should have the same rights as opposite sex couples. Opposite sex couples don’t have an opposite sex civil partnership so same-sex marriages should supercede civil partnerships. However, anyone who is within a civil partnership should have the right to have this “converted” to a same-sex marriage without any financial penalty to them, if they wish.

Question 20 (Paragraph 4.19)

Do you have any other comments?

Yes x

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 in Q.19, if same-sex marriage were to replace civil partnerships, those couples in civil partnerships should not be penalised due to a change in the law.

With equality legislation, society is now far more accepting of same-sex couples and, therefore, same-sex marriage is a natural progression and most couples who have civil partnerships would see themselves as married.