1. Introductory Comments

1.1 The Evangelical Alliance in Scotland is the largest body serving evangelical Christians in Scotland and has a membership including denominations, churches, organisations and individuals. Across the UK, Evangelical Alliance memberships includes over 700 organisations, 3500 churches and thousands of individuals. Our members in Scotland include the Baptist Union of Scotland, Vineyard Churches, Newfrontiers, Elim Pentecostal Churches, Assemblies of God, The Free Church of Scotland, Brethren, a number of congregations within the Church of Scotland and other independent churches. The Baptist Union of Scotland alone is made up of 164 churches with an average Sunday attendance of over 16,000 people.

1.2 We would like to make the government aware of a letter (http://tinyurl.com/bqhdrw2) signed by over 70 leaders of the largest evangelical churches in Scotland to the First Minister Alex Salmond supporting the retention of the current legal definition of marriage and highlighting strong concern about the implications if marriage is redefined. Over 20,000 people attend those churches weekly.

1.3 The mission of the Evangelical Alliance is to unite evangelicals to present Christ credibly as good news for spiritual and social transformation. We firmly believe in a pro-community agenda with tolerance and respect at the forefront of a transforming culture.

1.4 We are extremely grateful to Simon Stockwell from the Scottish Government who came to hear from the many church leaders who gathered at two consultation meetings in Glasgow and Edinburgh in early November. These meetings were extremely productive and allowed Simon to dialogue with church leaders directly and listen to their perspectives. We hope that the notes from these meetings, drawn up by Simon, will be taken into consideration alongside this consultation response. We also look forward to meeting with the Deputy First Minister to discuss these issues with her directly.

1.5 At the heart of the Christian message is a calling to speak up for and support those on the margins of society who suffer inequality and injustice. It is therefore vital that Christians support addressing any injustices suffered by people who choose homosexual lifestyles and make sure that they have reasonable and fair access to public facilities and services. It is the call of every Christian to show God’s love, care and compassion to all people regardless of their sexual orientation and practice. We completely condone homophobia and therefore any hostility and antagonism in anyway to a person because of their sexual orientation or practice.

1.6 We commend the Scottish Government for encouraging that everyone “treat those with different or opposing views with courtesy and respect, within the highest standards given to democratic discourse”. The Evangelical Alliance has continually encouraged our members and supporters to act in such a way while engaging and dialoguing on these issues.
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.

Civil partnerships are wholly secular and civil in nature and statute as stated in paragraph 2.09 of the consultation document. They were created to provide same-sex couples an opportunity to formalise their relationship in the eyes of the state and therefore receive similar rights to married couples. The Evangelical Alliance believe that to allow registration of civil partnerships through religious ceremonies would fundamentally alter their definition and completely undermine their form and basis for creation in statute. If a couple decide to have a religious blessing for their union within a religious premise after their civil partnership then they are free to do so and therefore suffer no discrimination.

It is the view of the Evangelical Alliance that the proposals laid out in the consultation document by the government will ultimately blur the distinction between civil partnership and marriage. Whether conducted in a religious premise, by a religious celebrant or with a religious ceremony, each will make civil partnership “very similar to a religious service for the solemnisation of marriage” as stated in paragraph 2.25 of the consultation document.

The Evangelical Alliance fear that allowing religious ceremonies for civil partnerships could open up churches and celebrants to legal action under the UK’s Sexual Orientation Regulations and the Equality Act should they refuse. We are not convinced that the government could provide adequate protection for those religious celebrants who refuse to conduct a civil partnership. Any protection within the legislation would likely be undermined by future amendments and decisions made within Scottish courts or equality legislation currently reserved to the UK government.

As is made clear in the government’s consultation document, in 2010 465 couples decided to have a civil partnership. It is estimated that a small number of those would have chosen to have their civil partnership registered through a religious ceremony if the option was available. The Evangelical Alliance is concerned that the government are pursuing this
legislation when only a small number of people may benefit from any change.

It is very important that the government realise that these proposals would wholly affect the religious community in Scotland. We are not convinced that the government have adequately consulted with the religious community across Scotland or allowed sufficient time for each religious community to consult its own members and importantly those celebrants who would be directly affected by such legislation.

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 X
Don’t know □

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

In England and Wales it has become very apparent that a very small minority of churches and religious groups would choose to allow their religious premise to become an approved location for civil partnerships. We hope that the Scottish government will conduct a thorough analysis of churches and religious groups that would allow registration of civil partnerships in their premises before they introduce a similar measure.

The Evangelical Alliance believe that the proposals in England and Wales on registration of civil partnership in religious premises would critically alter the definition of a civil partnership. Section 6(1) of the Civil Partnership Act 2004 specifically states that civil partnerships “must not be in religious premises”. To allow registration within a religious premise would significantly blur its distinction to marriage both civil and religious and between civil and religious ceremonies (see the second statement in paragraph 2.19).

Even though the proposals in England and Wales explicitly state that the registration cannot be accompanied by any religious element or literature we think this would be extremely difficult to maintain if a registration took place within a religious premise.

We also think that the proposals in England and Wales do not adequately protect religious bodies that refuse to allow their premises to be used for civil partnerships. We believe that religious bodies will be put under legal pressure if they refuse to register civil partnerships in their premises.
The proposals in England and Wales focus on the concept of “approved premises” which we feel would be unhelpful if introduced in Scotland. They also do not make specific provision for religious bodies that may not have the final say in, or have shared responsibility for, how their building is used.

If the government want to pursue this measure we strongly encourage them to maintain the prohibitions within the proposals in England and Wales and stated in paragraph 2.16.

**Question 3 (Paragraphs 2.20 to 2.24)**

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

- Yes  
- No  \(\times\)  
- Don’t know  

Please give reasons for your answer

The reason for our answer is similar to questions 1 - civil partnerships are wholly secular and civil in nature. To allow a religious celebrant to register a civil partnership in a religious premise with a religious ceremony would fundamentally alter the definition of a civil partnership. Section 2 of the Civil Partnership Act 2004 makes it clear that a civil partnership must only be conducted by a civil partnership registrar and not in a religious premise. This is based on the concept of civil marriage. We are not convinced that, as the government state in paragraph 2.24 of the consultation document, “the proposals would maintain the clear distinction between a religious ceremony and a civil ceremony”.

In allowing a religious celebrant to register a civil partnership we assume that the individual would also have to become a civil partnership registrar authorised by the local authority. We are unaware of any legal restrictions that would currently prevent a religious celebrant from also becoming a civil registrar and therefore conducting a civil partnership registration that did not include a religious ceremony or took place in a religious premise. In England and Wales, The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 paragraph 15 (b) states that the civil partnerships proceedings may not “be led by a minister of religion or other religious leader (unless that person is also a civil partnership registrar and is leading the proceedings solely in that capacity).” This therefore assumes that a religious celebrant can also be a civil partnership registrar. We note that some religious bodies might have restrictions on allowing their celebrants to also become a civil partnerships registrar.

There is a clear lack of clarity in this area which is reflected in the consultation document and questions. The Evangelical Alliance encourages the government to clarify whether religious celebrants can already become...
civil partnership registrars and therefore whether legislation is needed.

**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?

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Please give reasons for your answer

The Evangelical Alliance does not think that religious celebrants should be allowed to register civil partnerships whether in religious premises or in another place agreed between the celebrant and the couple.

It should be noted that this “place” would also have to be agreed with the registration authority in whose area that place is located as stated in Section 6 (3)(b) of the Civil Partnership Act 2004. Currently a civil partnership cannot be conducted in a place that has not been agreed by the local registration authority. The government need to clarify if this would continue to be the case if religious celebrants were allowed to register civil partnerships in places other than religious premises.

**Question 5** (Paragraph 2.25)

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

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Please give reasons for your answer

We are extremely surprised that the government feels the need to ask this question. It would be out with the legislative parameters of the parliament and would be an unjustifiable intrusion if the government required religious bodies or celebrants to register civil partnerships. For example, the Church of Scotland Act 1921 states in article 4 the Church’s “right and power subject to no civil authority to legislate, and to adjudicate finally, in all matters of doctrine, worship, government and discipline in the Church.” The Equality Act 2010 also provides protection to religious bodies and celebrants which would ultimately be infringed upon if religious bodies were required by the state to register civil partnerships.

While we are firmly against the registration of civil partnerships by any
religious body, if the government were intent on bringing forward such legislation and had the support of the Scottish Parliament we would hope that they would provide very strong protection for religious bodies who did not want to register 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  X
No
Don’t know

Please give reasons for your answer

Again, the Evangelical Alliance are concerned that the government feels the need to ask this question and therefore contemplate that they would legislate to allow religious celebrants to register civil partnerships even if their religious body had decided against. All religious celebrants, within and outwith the evangelical church, upon ordination into their denomination are required to confirm their agreement and obedience to the governance of the denomination. Again it would be beyond the legal parameters of the government and an unjustifiable intrusion into the governance of a denomination or religious body if the government were to somehow provide protection or rights to celebrants who went against the will of their denomination or religious body. It is the sole right and responsibility of a denomination or religious body to instruct its celebrants on these issues.

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

The Evangelical Alliance agree with the government when it states that “individual celebrants should be entitled not to register a civil partnership, even if the celebrant’s religious body is content to do so.” However, it is not the responsibility or jurisdiction of the government to legislate for this. In the very unlikely event that a religious body decided to instruct all its celebrants to conduct a civil partnership, for the reasons given in questions 5 and 6, we do think it would be appropriate for the government to provide protection for
individual celebrants who decided to go against the will of their religious body or denomination. If the religious body or denomination required all its celebrants to register civil partnerships it would the decision of the individual celebrant within the religious body to decide whether to remain within the body. It is the sole responsibility and right of the religious body to appropriately discipline its celebrants if they went against the will of their religious body. The government should not seek to impose a view on religious bodies through legislation and civil law.

For more see responses to questions 5 and 6.

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 X

If you have another option, please describe it.

The Evangelical Alliance do not support either of these options because we ultimately do not agree that civil partnerships should be registered by religious bodies and celebrants.

If, however the government decides to press ahead with these proposals the Evangelical Alliance strongly urges the government to include an ‘opt in’ condition procedure rather than an ‘opt out’. We believe that option 2 is therefore most favourable. In England and Wales it has become clear that a very small number of religious bodies will choose to register civil partnerships on their premises. We envisage that this would be very similar in Scotland with only a handful of religious bodies deciding to ‘opt in’ to the proposals and allow their celebrants to conduct civil partnerships. For a number of reasons, namely administrative time and costs, it would be significantly easier for those few religious bodies to ‘opt in’ rather than the vast majority opting out.

We commend the government for explicitly stating in paragraph 2.33 of the consultation document that “it would be made clear that it would not be discriminatory to decide against seeking approval to register civil partnerships.” We strongly urge the government to consult with religious bodies in the wording of such a protection within future legislation.

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 X
Don’t know □

Please give reasons for your answer

Ultimately the Evangelical Alliance believe that civil partnership should not be registered on religious premises. But, if the government brings forward legislation to allow this to take place then religious bodies should be adequately protected.

The Evangelical Alliance notes that this is a very complicated issue. It is ultimately dependent upon very specific ownership and usage rights of individual religious buildings. For example, at present a civil partnership cannot take place within a chapel of a stately home that is used solely or mainly for religious purposes. It would therefore be the decision of the owner of the stately home to decide whether or not to allow the registration of a civil partnership.

If the Scottish Government pursue legislation to allow civil partnership to be registered in religious premises then the Evangelical Alliance suggest an ‘opt-in’ provision would be extremely preferable in this instance. Similar to option 2 in question 8 we would suggest that a new procedure under which all religious bodies who wished for their buildings to be used for the registration of civil partnerships be required to advise the Registrar General or local council which premises they would like to be made available for the registration of civil partnerships. Again the legislation would make it clear that it would not be discriminatory to decide against seeking approval to register civil partnerships on their premises.

The Evangelical Alliance suggest that a specific legislative provision should be created to require religious bodies to ‘opt in’. This would ultimately ensure religious premises will only be used for civil partnership if a religious body specifically asks for it to be used.
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

The Evangelical Alliance is strongly opposed to the redefinition of marriage to include same-sex couples. We are opposed for a number of reasons:

1. Marriage is enshrined and defined, not only in Scottish culture and history, but in nearly every culture around the world, as a relationship between one man and one woman. Marriage is the union of one man to one woman – this is a fact of nature. Only 8 countries out of the 193 members of the United Nations have redefined marriage to include same sex relationships. This view of marriage is backed in the consultation by Article 12 of the European Convention of Human Rights which provides that “Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.” Similarly Article 16 of the Universal Declaration of Human Rights states that “men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.”

2. Our support for this traditional understanding of marriage is grounded in the historic position of the Christian church and founded in the authority of Scripture. The evangelical community, alongside nearly every Christian denomination, is united on this - marriage was created by God for the union of one man and one women. We believe that marriage is for the good of society and for the benefit of all.

3. The consultation document makes no attempt to identify the purpose of marriage other than to formalise a loving relationship in a manner recognised by the state. The Evangelical Alliance believe that marriage is much more than a symbol to recognise a loving relationship in statue. Marriage is the primary setting for children to be produced and raised by a committed mother and father. Overwhelming sociological evidence points to the benefits of marriage for children in terms of emotional security, educational achievement, health and other life prospects. In redefining marriage people are being told that a child does not need a mother and a father.

4. The government has made no attempt to estimate how many same sex couples will get married if marriage is redefined. The consultation documents states that ‘some same sex couples would prefer marriage to a
civil partnership’ but then does not provide any evidence for this statement. Due to the fact that only 465 couples decided to have a civil partnership in Scotland last year, it is clear that less than 465 same-sex couples would choose, every year, to get married. The Evangelical Alliance is concerned that the government are pursuing this legislation when only a small number of people may benefit from any change. It is crucial that the government understands how a redefinition of marriage would negatively impact thousands of individuals across Scotland but would only benefit a very small number.

5. The Evangelical Alliance are deeply concerned that the consultation document provides so few compelling reasons for introducing same-sex marriage. The government state that marriage should be open to same-sex couples because of their commitment to equality and a support for stable and committed relationships. But they then undermine this by accurately stating that civil partnerships are available for same-sex couples and “provide similar responsibilities, rights and status to marriage.” The Evangelical Alliance believe that this is not an issue of equality. Same-sex couples are not disadvantaged either legally or financially if they choose to be registered as civil partners. In supporting traditional marriage, we are not removing rights from anyone. Redefining marriage is not an issue of equality or fairness.

In Annex B the consultation outlines the differences given between civil partnership and marriage which are minor in detail and could be easily changed by a statutory instrument. The consultation document states that civil partners and spouses are perceived differently within society. The Evangelical Alliance believe that redefining marriage through legislation should not be done because the government believe there is a perceived negative public perception without any quantitative evidence to back this up.

6. If marriage is solely about formalising a loving relationship then why should it be limited to two persons? The Evangelical Alliance fear that the government will be subsequently convinced by a small minority, on grounds of equality and a support for stable and committed relationships, that marriage should be available to, for example, polygamous loving relationships. If marriage is purely based on loving relationships then some will suggest it should be allowed, for example, to three men who all love each other. The government may say that there is presently no one asking for marriage for polygamous relationship but the speed by which the debate over same sex marriage has come to the fore is an example of how soon this could take place. When civil partnerships were introduced only 6 years ago there were strong assurances from the government that it would not pursue same-sex marriage because through civil partnerships, same-sex couples now had the same rights and responsibilities of marriage and were therefore no longer discriminated against. Civil partnerships provided the equality that was sought by same-sex couples. Having gained equality for same-sex we do not understand why the government is now pursing same-sex marriage.
Question 11  (Paragraph 3.13)

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

Yes  X
No
Don’t know

Please give reasons for your answer

The Evangelical Alliance strongly opposes the redefinition of marriage to include same-sex relationships. It has become abundantly clear that the vast majority of religious bodies and celebrants are opposed to any redefinition and therefore would refuse to solemnise same-sex marriage if it was introduced. It would be beyond the legislative powers and remit of the Scottish government and Parliament to required religious bodies and celebrants to solemnise same-sex marriage. If the government decided to pursue this legislation and had the subsequent support of the Scottish Parliament then we would strongly urge them to provide very strong protection for religious bodies and celebrants who do not wish to solemnise same-sex marriage. As we explain below we suggest that there should be a process of “opting in” for the few religious bodies and celebrants who might choose to solemnise same-sex marriage if it was available.

A number of celebrants within the evangelical community have made it clear to us that their situation as a marriage celebrant would become untenable if marriage was redefined to include same-sex couples. Although the government have already promised that celebrants would be adequately protected if they refused to conduct a same-sex marriage our celebrants feel that they would always be open to accusations of sexual discrimination and could therefore jeopardise their position as a marriage celebrant. A number of evangelical celebrants have advised us that they will not continue to act as state functionaries for marriage if the government pursue same-sex marriage; therefore avoiding any future legal action being brought against them for refusing to conduct a same-sex marriage. The Evangelical Alliance are saddened that many of our celebrants end their role and responsibility to solemnise marriage if the government redefines marriage to include same-sex couples. We predict that this could have a financial impact on the state.

Question 12  (Paragraphs 3.14 to 3.18)

Do you agree with the introduction of same-sex civil marriage only?
Marriage, whether registered by a civil or religious ceremony, is defined in statute as a union between one man and one woman. The consultation document makes a distinction between religious marriage and civil marriage in reference to Sections 9 – 20 of the Marriage (Scotland) Act 1977. The distinction in the Act is made simply in terms of who may or may not solemnise a marriage and the approved places where marriages may be solemnised. Therefore, section 8 (2)(a) of the Marriage (Scotland) Act states that “a marriage solemnised by an authorised registrar is referred to as a “civil marriage””. The Act makes no further distinction either in terms of persons who can or cannot get married or how the state legally recognises a marriage once it has been solemnised. Civil and religious marriages are exactly the same following the legal marriage ceremony. Furthermore, there is no separation between the two within the wider Scottish culture. The Evangelical Alliance believe that the government is creating a false dichotomy by suggesting the introduction of same-sex civil marriage only.

In addition, one of the arguments that many give for same-sex marriage is to allow religious same-sex couples the opportunity to solemnise and celebrate their relationship by a religious celebrant and with a religious ceremony. This would not be possible with the introduction of only same-sex civil marriage and therefore makes the argument disingenuous. If only same-sex civil marriage was introduced we do not see why same-sex couples would choose to get married instead of registering a civil partnership as they both provide similar rights and responsibilities.

The Evangelical Alliance do not accept the compromise that has been muted by some that same-sex marriage could be civil only allowing the church to conduct only traditional marriage and therefore providing adequate protection for religious bodies. To allow same-sex marriage, whether civil or religious, is a redefinition of marriage and will not be accepted by the evangelical and wider church community.

If the government pursue only same-sex civil marriage, then the Evangelical Alliance strongly urge the government to provide adequate protection for registrars who might have a conscientious objection to officiating at same-sex civil marriages. The courts in England have already ruled that registrars can be forced by their council to officiate civil partnership ceremonies. We strongly encourage the government to make sure that this will not be the case if they redefine marriage to include same-sex civil marriage. Civil registrars must have the freedom to refuse to officiate a same-sex civil marriage; free from fear of disciplinary action or discrimination.
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

The Evangelical Alliance strongly opposes the redefinition of marriage, whether religious or civil, to include same-sex relationships. Civil and religious marriages are exactly the same once a couple has solemnised their marriage. Furthermore there is no dichotomy between the two within the wider Scottish culture.

Please see our response to question 10.

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

Reference is made to the Evangelical Alliance’s response to questions 5 and 10.

Furthermore, we are extremely surprised that the government feels the need to ask this question. It would be outwith the legislative parameters and would be an unjustifiable intrusion if the government required religious bodies or celebrants to solemnise same-sex marriage.

We would also like to state here that the Evangelical Alliance represents a number of denominations and churches across Scotland. There are some within the evangelical community, namely those from the Baptist tradition, who would like to use this opportunity to encourage the government to remove the role of religious ministers as legal state celebrants and therefore give sole responsibility to the state to legally solemnise and recognise the relationship between two people. If couples wish to have a religious blessing for marriage then they are free to do so and this would be conducted by religious bodies. This position is grounded by an ideal, as far as possible, to separate the church and state.
Similarly some within the evangelical community suggest that consideration be given to the ‘continental’ model of registering marriages and civil partnerships. Therefore, as far as the government is concerned, all partnerships, whether opposite-sex or same-sex will be the same in the eyes of the state. This will therefore leave religious leaders to conduct a blessing for marriage. All unions in the eyes of the state, whether between same-sex couples or opposite-sex couples would be civil partnerships. The blessing of a marriage would be the sole responsibility of religious bodies.

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  X
No
Don’t know

Please give reasons for your answer

Again, the Evangelical Alliance are concerned that the government feels the need to ask this question and therefore contemplate that they could legislate to allow religious celebrants to solemnise same sex marriage even if their religious body had decided against it. All religious celebrants upon ordination into their denomination are required to confirm their obedience to the governance of the denomination. Again it would be beyond the legal parameters of the government and an unjustifiable intrusion into the governance of a denomination or religious body if the government were to somehow provide protection or rights to celebrants who went against the will of their denomination or religious body. It is the sole right of a denomination or religious body to instruct its celebrants on this issue.

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

The Evangelical Alliance agree with the government when its states that “individual celebrants should be entitled not to solemnise same-sex marriage, even if the celebrant's religious body is content to do so.”
However, it is not the responsibility or jurisdiction of the government to legislate for this. In the very unlikely event that a religious body decided to instruct all its celebrants to solemnise same-sex marriage, for the reasons given in questions 5 and 6, we do think it would be appropriate for the government to provide protection for individual celebrants who decided to go against the will of their religious body or denomination. If the religious body or denomination required all its celebrants to solemnise same-sex marriage it would be the decision of the individual celebrant within the religious body to decide whether to remain within the body. It is the sole responsibility and right of the religious body to appropriately discipline its celebrants if they went against the will of their religious body. The government should not seek to impose a view on religious bodies through legislation and civil law.

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  X
Don’t know  □

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

The Evangelical Alliance does not support either of these options because we ultimately do not agree that same-sex marriage should be solemnised by religious bodies and celebrants.

If however the government decided to press ahead with these proposals the Evangelical Alliance strongly urges the government to include an ‘opt in’ condition procedure rather than an ‘opt out’. We believe that option 2 is therefore most favourable. We expect that the vast majority of religious bodies will be against the redefinition of same-sex marriage and therefore it should be the responsibility of the minority to advise the Registrar General which celebrants they would like to be authorised.

We believe that option 2 will provide the greatest protection to religious bodies and celebrants against legal action with the strong assurance that “it would be made clear that it would not be discriminatory to decide against seeking approval to solemnise same sex marriage.” We strongly urge the government to consult with religious bodies in the wording of such a protection within future legislation.

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

Ultimately the Evangelical Alliance believe that marriage should not be redefined to include same-sex couples. But, if the government brings forward legislation to allow this to take place then religious bodies should be adequately protected if they refuse to use their premises to solemnise same-sex marriage.

If the Scottish Government pursue legislation to allow same-sex marriage to be registered in religious premises then the Evangelical Alliance suggest an ‘opt-in’ provision would be extremely preferable in this instance. Similar to option 2 in question 17 we would suggest that a new procedure under which all religious bodies who wished for their buildings to be used for solemnising same-sex marriage be required to advise the Registrar General or local authority which premises they would like to be made available. Again the legislation would make it clear that it would not be discriminatory to decide against seeking approval to solemnise same-sex marriage on their premises.

Question 19 (Paragraph 3.41)

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

Yes X
No □
Don’t know □

Please give reasons for your answer

The Evangelical Alliance believe that civil partnerships should remain if the government introduce same-sex marriage because there are same-sex couples who do not wish to get married. This is because they feel that marriage is between one man and one woman and/or because it is a religious institution but they may still want the state to legally recognise their committed relationship through a civil partnership.

Moreover, if civil partnerships were abandoned it may leave existing civil partners unsure of whether their relationship is still recognised by the state
or has been ultimately undermined.

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).

The Evangelical Alliance are concerned that the consultation document makes little attempt to predict how many individuals may benefit from these changes. Subsequently, through meetings with civil servants, it has become clear that the government has no understanding of how many individuals would choose to have a religious ceremony for civil partnerships or have a same-sex marriage if it were made available. We believe the consultation is fundamentally flawed in this area and hope the government will conduct a thorough quantitative analysis before it pursues any legislation.

We are disappointed that in paragraph 4.08 the government suggest that offering same-sex marriage may encourage more people to visit Scotland. We do not believe it is particularly helpful to speculate on the possible financial impact for tourism and therefore make it part of the debate and decision making process on the redefinition of marriage. Similarly, one could easily speculate that there would be a marked decline in the 20% of marriages in Scotland that are between people who do not live in Scotland once marriage has been redefined to something that is not recognised by the vast majority of countries across the world.

We note that the consultation document does not address civil partnerships being made available for heterosexual couples. The Evangelical Alliance predict that there will be calls for the extension of civil partnerships to heterosexuals. For example the Equality and Human Rights Commission’s report “Equal Access to Marriage” on page 6 recommends that the “Westminster government should legislate to open civil partnerships to mixed-sex couples”.
