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?

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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?

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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
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 ☐
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:

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<td>Option 2</td>
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<td>Neither</td>
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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.”

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**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?

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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       [x]
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       [x]
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.

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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?
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
Don’t know

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.