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.

We believe that in the interests of equality, same-sex couples opting for a civil partnership should have the choice between a civil or religious ceremony. However, overall we would prefer to see the introduction of legislation to allow same-sex marriage with a choice of a civil or religious ceremony.

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.
Same-sex couples should be allowed the choice to opt for this if they wish to do so and if their chosen religious celebrant is willing to officiate.

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

Same-sex couples should be allowed the choice to opt for this if they wish to do so and if their chosen religious celebrant is willing to officiate.

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

As much as we believe in achieving equality for LGBT people, we understand that it would not be helpful at this time to force religious bodies into something with which they do not agree.

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

Religious celebrants should be able to choose to do whatever is consistent with their own beliefs, regardless of what their religious hierarchy may wish to impose on them.
**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

Religious celebrants should be able to choose to do whatever is consistent with their own beliefs, regardless of what their religious hierarchy may wish to impose on them.

**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.

- 

**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

Religious bodies should have control over the use of their own premises.
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 consequences for our society, in allowing marriage between same-sex couples and opposite-sex couples, will be that every consenting adult will be treated exactly the same. That's equality. It's as simple as that.

As things stand with the law at present, as a society we are saying that it is okay to treat a section of our community like second-class citizens. That is the outcome of the current position. Asking the question within the community, it is clear that there are LGBT couples, whether those of faith or not, who feel stigmatised by having to seal their commitment to each other via a civil partnership. That they feel they can't refer to each other as “husband” or “wife” without a state-sanctioned difference being used, by some non-LGBT people, to regularly tell them that they are “only partners” is a sad reflection on our society. We have an opportunity to remove this stigma.

There is also another very simple fact to consider; that there are LGBT folk of faith who would like to have their commitment to each other recognised by that faith. It is also clear that there are practitioners of faith who are able to embrace the equality that the Scottish Government is considering enacting in law. At present there are couples who clearly feel isolated and discriminated against because in order to make clear their commitment to each other they have to choose to not do so in the embrace of their faith community. We have an opportunity to remove this discrimination.

For members of our transgender community, the law, as it stands, forces already-married couples where one partner is seeking a full gender recognition certificate to divorce before their gender identity can be legally recognised. This is essentially a choice between divorcing a partner or denying one’s own gender identity. What an appalling choice to be forced to make. This is not freedom of choice nor is it equality of treatment or outcome. The overwhelming feeling in such cases is that the marriage being broken is worth more than the partnership that, currently, then has to be created. It is not overstating the position to say that some relationships have foundered in large part due to the couples in having to get “married” again, where they clearly feel that they are already married but are having to break something very valuable simply to ensure they can choose their own identity. We have an opportunity to remove this forced destruction of fulfilling marriages.

Equal marriage is a simple proposition. It doesn't impact on the sanctity of marriage as it currently exists between any two people. What it does is allow our society to challenge stigma and discrimination wherever it occurs. Stigma and discrimination have a very real impact on people’s lives and wellbeing. It's a question of choice and equal recognition of the commitment between two
people. We have an opportunity to enhance people’s lives by removing stigma and discrimination in marriage.

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

The legislation being proposed is about equality. It is not about “rights”, which are all too often concepts used by all sections of society to defend their own views and approaches to life at the expense of differing views.

The simple expression and protection of “rights” without considering equality risks privileging some sections of society at the expense of others. This all too often results in polarisation of communities leading to stigma and discrimination which is directed all too often at the LGBT community as transphobia and homophobia.

If successfully tackling transphobia and homophobia is about enshrining equality through removing discrimination while recognising and embracing diversity then it would seem that to force religious bodies and celebrants to solemnise same-sex marriage would be self-defeating.

People in the LGBT community would like the same choices in marriage as people in the cisgender and straight communities. As such, religious bodies and individual celebrants should also be free to choose how they implement the opportunity, and legally-given authority, to solemnise the marriages of ANY couple presenting themselves for marriage within the faith in which they identify.

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  ☐

Please give reasons for your answer

The introduction of same-sex civil marriage only would maintain an inequality in respect of LGBT couples of faith and currently married couples where one of the couple is seeking full gender recognition. To introduce a legislative change that perpetuates an inequality would not represent an improvement in our progress towards addressing discrimination in our society.
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

Allowing **every, single couple the same options** for registering and celebrating their union in the eyes of the law is the simplest way to ensure that as a society we demonstrate that there is no discrimination where couples are concerned. All couples have the same potential to contribute to society, therefore all couples should be given the same opportunities.

Question 14  (Paragraphs 3.23 and 3.24)

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

Yes [x]  
No [ ]  
Don’t know [ ]  

Please give reasons for your answer

As much as we believe in achieving equality for LGBT people, we understand that it would not be helpful at this time to force religious bodies into something with which they do not agree.

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 [x]  
Don’t know [ ]  

Please give reasons for your answer

Please see our answer to Question 11. To remove the freedom of choice from individual celebrants seems to fly in the face of any proposals to promote equality. Furthermore, enforcing such a position thoroughly
undermines the work that the LGBT community AND the faith community is undertaking together to understand and address severely polarised views with a view to eliminating misunderstanding and discrimination.

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

Please see our answer to Questions 11 and 15.

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.

This is the simplest option and allows individuals to make their own decisions as to the marriages they feel they can solemnise, which is a freedom celebrants currently have. There is no need to restrict this freedom on individuals.

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 ☐
Pragmatically, to legislate in this regard would be so complicated that it makes more sense to allow religious bodies to make their own decisions. Individual celebrants may then have a debate within their own organisations as to the relative merits of whichever approach that organisation chooses to take.

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

In simple terms, under these proposals we are seeking equality for all members of society.

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).