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  x
- Don't know  

Please give reasons for your answer.

Comments

We believe that the distinction between a civil partnership and a marriage should be maintained. Allowing civil partnerships to be registered through a religious ceremony would be to blur the distinction. When civil partnerships were first introduced the government gave religious bodies the assurance that they would remain outwith the religious sphere. No matter what assurances are given we can foresee pressure being put on churches to conduct civil partnership ceremonies.

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   x
Don't know  □

Please give reasons for your answer

Comments

Civil partnerships should remain outwith the religious sphere. The distinction between a civil partnership and a marriage should not be blurred.

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   x
Don't know  □

Please give reasons for your answer

Comments

We believe that civil partnerships should be kept wholly secular.
Question 5 (Paragraph 2.25)

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

Yes  x
No  
Don't know  

Please give reasons for your answer

Comments

To force religious bodies to be involved in registering civil partnerships would be a gross infringement of religious liberty and freedom of conscience.

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

Comments

It’s one thing if the religious body allows its clergy freedom of conscience; but if the religious body is opposed to registering civil partnerships surely the Scottish government does not want to undermine the authority and discipline of any religious body.
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
In Scotland we value religious liberty and freedom of conscience very highly. Our ancestors died for this liberty. If the religious body allows its clergy freedom of choice, then that freedom should be respected.

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  x
Neither

If you have another option, please describe it.
Comments

We believe that option 1 would make celebrants vulnerable to challenges under the Equality Act 2010 for refusing to conduct civil partnership ceremonies. Option 2 provides more protection for those who in conscience would not wish to conduct a religious civil partnership ceremony.

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

Comments

We believe that if legislation to allow civil partnerships to occur in consecrated property (or property owned by a religious body) were enacted, it would be better if there were a specific clause stating that such premises could not be used against the will of the religious body concerned.
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
We believe that marriage is a life long relationship between one man and one woman. We believe that civil partnerships give homosexual men and women rights which are commensurate with marriage. We believe that it is a very grave matter for the government to change the definition of marriage. We believe that once this door is open other changes may be demanded, eg. to allow polygamy.

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
Comments

To require religious bodies and celebrants to solemnise a same sex marriage would be a grave breach of their religious liberty.

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

We do not believe that any relationship between people of the same sex can be called marriage.

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

See comments above.

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

Comments

To require religious bodies to solemnise a same sex marriage would be a grave breach of religious liberty.

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  

At ordination, ministers of religion vow to be obedient to their spiritual superiors. To allow clergy to celebrate a same sex marriage where their religious body has declared against it would be to encourage breach of discipline.

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 someone to solemnise a same sex marriage against conscience would be a grave breach 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  x
Neither
Don't know

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

Comments

We believe option 2 would be fairer since it provides some protection for those who in good conscience could not conduct a same-sex marriage.

(We note with alarm that this question assumes that same sex marriage will happen).

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

Please note our answer to question 9.
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

Question 20  (Paragraph 4.19)

Do you have any other comments?

Yes  □
No  x

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).