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.

Comments
It should be possible for couples to register civil partnerships through religious ceremony if the couple and Celebrant wish to.

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.

Comments
It should be possible for civil partnerships to have a religious element if the couple and Celebrant so chose – this is not possible under the England & Wales proposals.
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

There is no need for an absolute bar on civil partnerships being registered by religious celebrants or in religious premises. Many couples and many celebrants wish to do this and are prohibited by the current law.

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

As per Q3.
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

Currently religious bodies have the right to refuse to marry any particular couple. Transferring this discretion to religious civil partnerships is only logical.

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

Comments

Ultimately this is a matter for the religious bodies themselves. Different bodies already have some areas that are at the discretion of the celebrant, such as the marrying of previously divorced persons. It seems logical to allow this to continue, and does not appear to require any specific
government legislation.

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

Religious celebrants currently have the option to refuse to carry out any marriage that they do not wish to. Extending this discretion to civil partnerships is logical.

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.
Comments

Extending the authorisations under the Marriage (Scotland) Act 1977 provides a tried and tested method and provides as much equality between marriage and civil partnership as possible.

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

Comments

The exact chain of control for religious premises should remain an internal matter for that religious body. Legislation does not appear to be necessary to resolve any potential internal disputes.
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

Civil partnerships do not provide the same rights as marriage, nor are they so well recognised internationally – it unfair to deny the option of marriage based on the gender of the partners. Additionally, the language and overtones of civil partnership can be off-putting to some, so all couples should have the option of 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

Comments

No religious body or celebrant is currently required to solemnise opposite-sex marriage – as now, the choice should remain with the celebrant or religious body.
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

Comments

It would be blatant discrimination to allow civil and religious marriage for opposite sex couples yet only civil marriage for same sex couples. Same sex marriage should be equal to opposite sex marriage.

Question 13  (Paragraph 3.19)

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

Comments

Same sex couples should have the same choice between religious and civil marriage that opposite sex couples currently enjoy.
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

As per Q11 no religious body is currently required to solemnise marriage, and no religious body should be forced to, same sex or otherwise.

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
As with Q6 the balance of power between a religious body and its celebrants need not be a matter for government legislation.

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
As with Q7, celebrants are not currently required to solemnise marriage and no changes are required by the introduction of same sex marriage.

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
As with Q8 the extension of the existing provisions covering opposite sex marriage to cover same sex marriage is logical and efficient.

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

As per Q9, the control of religious premises remains an issue for the religious body involved; government legislation seems unnecessary.

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
Comments

Civil partnerships may be preferable to marriage for several reasons, including the differences in legal structure and the potential religious or patriarchal overtones. We believe that civil partnership should remain an option for couples, and indeed should be available to both same-sex and opposite-sex couples that desire it.

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).

Comments

We note and welcome the potential for transgender persons to remain within their existing marriage or civil partnership, removing the cruel requirement for them to divorce while transitioning.

We believe that in order to be truly equal both marriage and civil partnership should be open to all couples, regardless of gender, and we urge the government to consider extending civil partnership to opposite-sex couples at the same time as extending marriage to same-sex couples.