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 [X]
No [ ]
Don't know [ ]

Please give reasons for your answer.

Comments

This is in line with religious freedom. Having the option of a religious ceremony which both registers the marriage in law and recognises the couple's religious faith is a very important aspect to many people in Scotland.

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.

Comments

The main reasons are in the consultation document at 2.19.
Question 3  (Paragraphs 2.20 to 2.24)

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

Yes  X
No
Don’t know  

Please give reasons for your answer

Comments

This is entirely in line with religious freedom.

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  X
No
Don’t know  

Please give reasons for your answer

Comments

Freedom of choice of religious celebrant. This is particularly important if a couple’s choice of religious celebrant does not belong to, or have any religious premises.

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

Religious bodies should have discretion in line with their own decision making processes.

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 X
Don't know □

Please give reasons for your answer

Comments

In line with religious freedom, some religions may allow personal discretion for individual celebrants who may wish to conduct religious ceremonies for the solemnisation.

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

This is for the religious bodies to decide.
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  X
Option 2  
Neither  

If you have another option, please describe it.

Comments

No additional comments to add.

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  X
No  
Don’t know  

Please give reasons for your answer

Comments

PCS disagrees with the Scottish Government’s preferred view stated in 2.40. We believe the exception should be that if a religious body is a tenant in a public owned building or shares the use of the premises with other faiths, then it should be incumbent on the religious body to allow the solemnisation of civil partnerships to take place on the premises. It should be the views of religious body supportive of civil partnerships that should be respected.

We agree that making legislation in this matter is unnecessary.
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  X  
No  
Don't know  

Please give reasons for your answer

Comments

The current situation is discriminatory because it creates sexual orientation and gender identity marital apartheid.

The proposed changes are fundamental: equal status, equal choice, equal respect, equal rights. The change will exemplify what human rights are all about.

PCS also recognises there is also majority public support for changes to allow same sex couples to be allowed to marry. In 2009 a Populus opinion poll 61% of the public in support (http://www.populuslimited.com/the-times-the-times-gay-britain-poll-100609.html). Interestingly, that figure over 70% for those aged 18 – 44.

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

This is a matter for each of the religious bodies.
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

Faith is as important to some same-sex couples as opposite sex couples. If couples want to celebrate their marriage within their faith group then they should be allowed to do so.

There is also the question of choice. To have parity then both opposite sex and same-sex couples should have equal choice to marry with or without the involvement of their chosen faith/non faith.

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

Comments

This is absolutely crucial in establishing equality, not just in terms of law but in status, perception and freedom of religious choice and expression.

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 |
| This is a matter for each of the religious bodies to decide within their own structures. |

**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?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
</tr>
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<tbody>
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<td></td>
<td>X</td>
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</table>

Please give reasons for your answer

| Comments |
| In line with religious freedom, some religions may allow personal discretion for individual celebrants who may wish to conduct religious ceremonies for the solemnisation of same sex marriage. |

**Question 16 (Paragraphs 3.27 and 3.28)**

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

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
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<tbody>
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<td></td>
<td>X</td>
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</table>

Please give reasons for your answer

| Comments |
| This is a matter for each individual religious body to consider. |
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

It is important that equality exists. Having a new procedure set up solely for same sex marriage would differentiate it from opposite sex marriage.

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  X
- No  
- Don’t know  

Please give reasons for your answer

Comments

If a religious body is a tenant in a public owned building then it should be incumbent on the religious body to allow same sex marriage ceremonies in the same way it would opposite sex marriage.
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

Comments

In Scotland almost 4,000 civil partnerships have taken place. To end the option would be to leave a legacy of discrimination. The Civil Partnership Act should be extended to opposite sex couples to allow for full equality.

The connotation of the word marriage prevents some couples from solemnising their relationship and opening up civil partnerships would be a welcome option.

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).
Comments

Equal marriage is an important step for transgender people in terms of obtaining a gender recognition certificate without the need to divorce.

Consideration should be given to couples already in a civil partnership to allow conversion to marriage either on application or by ceremony of choice.

PCS believes Scottish Ministers should seek to obtain true equality in marriage by negotiating recognition with other countries.

We also believe that the Scottish Government should recognise overseas same sex marriages as marriage in Scots Law regardless of whether same sex marriage is introduced in Scotland, as this sends a strong, progressive signal internationally in support of full equality, human rights and freedom of expression.

Potential financial implications and in particular pensions as well as issues around dependents must be considered in terms of enhancing equality and human rights.
Sandra Jack
Scottish Government
St Andrew’s House
Regent Road
Edinburgh
EH1 3DG

2 December 2011

Dear Sandra

THE REGISTRATION OF CIVIL PARTNERSHIPS SAME SEX MARRIAGE CONSULTATION

Thank you for the opportunity to respond to the above consultation.

In preparing the PCS response we consulted widely with our membership in Scotland as well as with our UK LGBT network. We are happy to enclose our response which covers all questions in the consultation.

Yours sincerely