CONSULTATION QUESTIONS

The registration of civil partnerships

<table>
<thead>
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<th>Question 1  (Paragraphs 2.12 and 2.13)</th>
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<tr>
<td>Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?</td>
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<tr>
<td>Yes</td>
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<tr>
<td>No</td>
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<td>Don’t know</td>
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Please give reasons for your answer.

Comments

We agree that the legislation should be changed so that civil partnerships can be registered through religious ceremonies. The lifelong commitment made by those seeking civil partnerships does not differ from that made by those undertaking marriage. A religious ceremony seeks God’s blessing on this union. In addition it takes place within the couple’s own worshipping community whose members witness the moment of union and who will themselves endeavour to uphold and support the couple in the future.

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<th>Question 2  (Paragraphs 2.14 to 2.19)</th>
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<td>Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?</td>
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<tr>
<td>Yes</td>
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<td>No</td>
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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

The proposals for England and Wales come from a completely different legal tradition in terms of Marriage Law. The “approved premises”
legislation (for religious ceremonies) is not used in Scotland and introducing anything similar would be a retrograde step. For Quakers there is particular value in the freedom implicit in Scottish legislation to choose any appropriate location for solemnising and celebrating marriages (or civil partnerships), since we have few dedicated Quaker Meeting Houses in Scotland and we value the way in which premises that are appropriate for different sizes or styles of wedding may be chosen by the couple, together with the worshipping group that is hosting the ceremony. We note that such premises are not frequently provided by other denominations, and we recognise (as discussed below) that not all of these may be available for solemnising civil partnerships in the future.

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

The moment of the declaration of the marriage or civil partnership vows or promises is a solemn moment in any ceremony, whether religious or civil. Religious celebrants of civil partnerships should be able to undertake the ceremony that is associated with the declaration and registration within the religious premises in which the couple normally worships, or indeed within other premises (religious or other) as appropriate.

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

This is an important aspect of Scottish law on marriage and we wish to see it applied to civil partnerships. For Quakers, a location for a marriage must
be agreed by the local Area Quaker Meeting to be appropriate and suitable for the registration to take place within the law. The same should apply for the registration of civil partnerships.

**Question 5** (Paragraph 2.25)

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

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<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
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<tr>
<td>X</td>
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Please give reasons for your answer

**Comments**

We recognise that some religious bodies hold strong views against the validity of civil partnerships: they should not be compelled to register them if this is against their faith position. We feel that nothing would be gained for the couple by a celebration held unwillingly or in a spirit of hypocrisy.

**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?

<table>
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<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
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<td></td>
<td></td>
<td>X</td>
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Please give reasons for your answer

**Comments**

We have no view on whether religious celebrants should be allowed to undertake a registration that is contrary to the wishes of their religious body. We can envisage a number of possible circumstances – in which, for example, a religious body has decided not to hold its own religious services for civil partnership registration, but does not feel able to ban its members from taking part in such services in various ways. We feel that this issue should be a matter for the religious bodies themselves, and not for 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 x
No
Don’t know

Please give reasons for your answer

Comments

We understand that individuals may hold strong views on this matter, and, in particular, may be strongly opposed to civil partnerships under all circumstances. We do not feel that any celebrant should be compelled to act in a way that is contrary to her or his own conscience.

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

We would not be in favour of a procedure for registering civil partnerships that is separate from that for registering marriages. We would regard this as a completely unnecessary bureaucratic burden on both civil and religious communities.

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
We believe that premises owned by religious bodies – whether those used for regular religious worship, or those used for community activities – should not be able to be used for the registration of civil partnerships if this is against the wishes of the religious body that owns them. However, we do not see that legislative provision needs to be made for this: this circumstance seems not dissimilar to any other restrictions that organisations may (quite legally) place on the use of their premises by outside bodies.
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

We strongly agree that Scottish law should be changed in order to permit same sex marriage in Scotland. We believe that this would be in line with our commitment to religious freedom and equality for all; it would be fair, it would remove a discriminatory practice and it would generally improve well-being in society.

We completely understand that there are some in our society, both groups and individuals, who cannot accept that the word “marriage” should be extended to include same sex couples. We regret this, feeling that there is a strong case for making this radical change in our language and in our understanding of the concept. It is our feeling that the time is right for taking this step and that this far-sighted proposal will help to build a less discriminatory and more equal society in Scotland, in which same sex couples feel valued as much as any other couple and in which religious freedom can flourish.

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

We recognise that some religious bodies (and also some individual religious celebrants) may feel unable to agree to the recognition of same sex marriage on grounds either of doctrine or of individual conscience. We would not wish to see legislation that required under taking an activity (the
solemnisation of same sex marriage) that would run counter to such beliefs.

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 agree with the introduction of same sex civil marriage only. We believe same sex couples with commitment to a faith tradition should enjoy the same freedom as opposite sex couples to celebrate and register their partnership in that religious context.

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

Comments
We have discussed this in the accompanying background statement which outlines our religious stance on this issue.

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
We feel that, as for civil partnership s, one should not compel religious bodies to act against their beliefs. Religious freedom cuts both ways.

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 x

Please give reasons for your answer

Comments
As for civil partnerships, we feel that this is a matter to be dealt with by individual 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 x
No ☐
Don't know ☐

Please give reasons for your answer

Comments
As for civil partnerships, we believe that individual religious celebrants should be free to follow their own consciences in this matter.

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 for civil partnerships, we favour Option 1 on grounds of its simplicity.

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

As for civil partnerships, we do not feel that legislation on this matter would be appropriate.

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

We agree that civil partnerships should remain available since they are not quite the same as marriage. However, their uptake should of course be monitored, and their use should be reviewed after two or three years in the light not only of uptake of this particular option, but also of experience with
sorting out any legal consequences that arise from civil partnerships (as opposed to marriage), such as separation and divorce, the application of benefits and so on.

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

Please note that we have provided a separate statement of the position taken by the Religious Society of Friends (Quakers) as an introduction to our responses to this consultation.
A general statement to accompany the response submitted on behalf of
The Religious Society of Friends (Quakers)
General Meeting for Scotland

Quakers are a non-hierarchical and radical Christian body which emerged from the turmoil of mid 17th century Britain. Our faith is living and experiential and we resist defining it in terms of creed or the external authority of holy book or church. Our authority is the light of truth, which many of us call ‘God’, within each one of us, tempered by the discipline of corporate discernment.

The principles of integrity, equality and religious liberty have always been at the heart of our faith, the latter reinforced by our historic experience of being a persecuted minority. These principles now lead us to welcome the Scottish Government’s consultation on same sex marriage and civil partnership and to support strongly the mooted changes to the law.

We believe that a just and stable civil society is built upon stable and committed relationships between individuals, relations hips anchored in love and respect. We believe, furthermore, that such deep relationships reflect the love of God as we understand this.

We have for centuries held religious ceremonies to ask for God’s blessing on couples who seek to commit themselves to each other in marriage and have had the right to register such marriages within the context of worship. Our recent corporate experience is that lesbian and gay couples can demonstrate in their relationships the same committed and often life-long love for each other as can opposite sex couples. Within the past twenty years we have agreed to celebrate such committed same-sex partnerships in the context of our meetings for worship and to regret that current law prevents such partnerships being recognised in the same way as opposite sex marriage. Same sex couples do not have equality or religious freedom in this important respect.

Quakers have been strongly supportive of civil partnership legislation, appreciating the valuable contribution that this has made in implanting the recognition of the equal rights of all throughout our society. However, we are also aware that this legislation itself, however welcome, implies a form of discrimination against same sex couples. We have become aware of how such couples feel about the separateness of the “civil partner” description that is applied to them, and about the discrimination that is implied in legislation that permits faith groups to hold religious ceremonies of registration for those embarking on marriage, but not for those entering same sex partnerships. This is a matter not only of equality but, just as importantly, of religious liberty.

In consequence of this the annual gathering of British Quakers (Quakers in Scotland, Wales and England) agreed two years ago that henceforth (though without breaking the law) we should treat all couples equally when they are seeking marriage, and when they seek God’s blessing for their union within their Quaker worshipping communities. We recognise that this implies a redefinition of the historical concept of marriage but believe society should not shrink from this.

It is fundamental to Friends’ understanding of the solemnisation of marriage that those who are marrying should make their marriage promises in the
presence of God and in front of their worshipping group, seeking God’s blessing on their union. Marriage is a celebration of the committed relationship of two people who have found love for each other. Our testimony to equality demands that it should be available for all committed couples who seek it. Religious freedom, which society values so highly, demands that we cannot deny faith groups the right to celebrate it in the context of their worship.

We do not wish to see our own discernment of what is right imposed on those of other religious faiths. We seek a permissive law which allows religious freedom, which allows the possibility of same sex couples marrying within a religious context if that is what both they and their religious communities wish, while not putting anyone in a position where they have to act against their conscience.