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.

The STUC supports the option of a religious ceremony to allow registration of civil partnerships. This is in line with our views on equality.

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 which elements of the proposals in England and Wales you consider inappropriate for Scotland.

We are supportive of the arguments advance in the consultation document, and agree that the proposals for England and Wales would not achieve the objective of permitting same sex couples to have a religious service, where the religious body and celebrants are content to carry out the service.

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
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
N/A

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

Religious bodies should be able to maintain their own discretion in accordance with their views.

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  X

Please give reasons for your answer

Comments
N/A
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

Whilst recognising that an individual religious celebrant may not agree to the registering of a civil partnership, it would be important that it is understood that a religious body which recognised civil partnerships should be encouraged to find another celebrant to carry out the service as requested by the celebrants.

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.

Option 1 is more consistent with our views on equality within the current system of authorisation and recognition of opposite sex marriage.

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
We agree that legislative provision is not required. However, we would raise a concern with regard to publicly owned building, in which a religious body is a tenant or shares with bodies of other faiths, and we would suggest that further discussion is required to ensure that the views of one religious body do not place restrictions on the use of the shared premises or publicly owned facilities by any other religious body.

**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

We completely support the Scottish Government’s initial view; i.e. that marriage should be open to both same sex couples and opposite sex couples, on an equal basis, and legal rights should be established accordingly.

**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
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

Same sex couples for whom their faith is very important should have the same options for celebrating their marriage within their chosen faith, as opposite sex couples presently have.

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

As 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

This is a matter for discussion and decision within a religious body.
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

This is a discretionary matter and does not require 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

It would be appropriate to then encourage the religious body to ask another celebrant of that body (where the body supports the principle) to carry out the service.

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.
In line with our views on equality, we favour Option 1, rather than establishing completely new and distinct procedures.

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

With reference to an earlier point, we would suggest further clarity on the use of publicly owned buildings for the solemnisation of same sex marriages.

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

Since the introduction of Civil Partnership Legislation in Scotland, nearly 4,000 couples have registered, indicating the considerable support that exists for this procedure.

Civil partnerships should be extended to be an option for opposite sex couples and the law changed accordingly.

In line with our views on equality, the options of marriage or civil partnerships should be open to couples of same sex or of the opposite sex.
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).

The introduction of equal marriage will support transgender people in terms of obtaining a gender recognition certificate without the need to divorce. We would encourage the Scottish Government to revisit the discussions on some of these issues at the Scottish Parliament Equal Opportunities Committee in the previous Parliamentary session, as there are additional questions to be resolved for couples, which include a transgender person, with regard to grounds for divorce; and further discussion may be required to achieve consistency on grounds for divorce, between civil partnerships and marriage.

Consideration should be given to procedures which would allow same sex couples already in a civil partnership to convert to a marriage, whether on application or by a ceremony of choice.

All financial and pension arrangements should be reviewed to ensure that equality can be achieved for partners and dependants, irrespective of whether the couple are in a civil partnership or a marriage.

The Scottish Government is encouraged to negotiate recognition of same sex marriages, once enshrined in Scots law, with other countries, in the interests of promoting equality. Likewise, we would encourage the legal recognition in Scotland of same sex marriage conducted in other countries.

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