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
Given the broad range of opinions deeply and firmly held across the United Reformed Church, it would appear the proposals would enable those who are inclined to be party to the registration of civil partnerships through religious ceremonies to do so, while not placing unwelcome requirements on those who are disinclined. The proposals are permissive rather than prescriptive and nothing in them would require anybody to act against their conscience. We note that if actual legislation were to be introduced by the Scottish Government we are promised further consultation on any such Bill.

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?

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<td>Yes</td>
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<td>No</td>
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<td>Don't know</td>
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Please give reasons for your answer

**Comments**

It meets the needs of those who want it

### 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?

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<td>Yes</td>
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Please give reasons for your answer

**Comments**

It meets the needs of those who want it.
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
It would be inappropriate for the state to compel religious bodies to act contrary to their beliefs, teaching or 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  
No [x]  
Don't know  
Please give reasons for your answer
Comments
If a religious body has decided against registering civil partnerships any prohibitions on celebrants should be a matter for the authority structures of the religious body and not a matter of law, in the same way that all celebrants are authorised by law to officiate at the marriage of divorcees, but a religious body which does not recognise divorce will prohibit its celebrants from solemnising the marriages of divorcees. Prohibitions on celebrants should not come from the state, which has no place in the disciplinary procedures or authority structures of religious bodies.

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
It would be inappropriate for the state to compel religious celebrants to act contrary to their beliefs, teaching or 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 ☒
Option 2 ☐
Neither ☐

If you have another option, please describe it.

Comments

Authorisation of religious bodies and celebrants to register civil partnerships does not in itself imply an obligation to do so. Religious bodies and celebrants have always been authorised to solemnise the marriage of divorcees, and those who chose not to do so have never been required to. There is no evidence that extending celebrants’ authorisation would oblige them to contravene their churches’ stance or beliefs.

A separate list of religious bodies and particularly celebrants would be messy to administer because of the need constantly to update it.

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

Ownership of the premises already gives religious bodies control of what is permitted on their premises.
# 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**

Given the broad range of opinions deeply and firmly held across the United Reformed Church, it would appear all the proposals would enable those who are inclined to be party to same-sex marriages to do so, while not placing unwelcome requirements on those who are disinclined. The proposals are permissive rather than prescriptive and nothing in them would require anybody to act against their conscience. We note that if actual legislation were to be introduced by the Scottish Government we are promised further consultation on any such Bill.

**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**

It would be inappropriate for the state to compel religious bodies to act contrary to their beliefs, teaching or conscience.
<table>
<thead>
<tr>
<th>Question 12  (Paragraphs 3.14 to 3.18)</th>
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<tbody>
<tr>
<td>Do you agree with the introduction of same-sex civil marriage only?</td>
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<td>Yes ☐</td>
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<td>No ☒</td>
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<td>Don’t know ☐</td>
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<td>Please give reasons for your answer</td>
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<tr>
<td>Restricting same-sex celebration to the civil format would not meet the needs of those who want their marriage solemnised through a religious ceremony, nor would it meet the aspirations of religious bodies or celebrants who are happy to solemnise same-sex marriage.</td>
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<tr>
<th>Question 13  (Paragraph 3.19)</th>
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<tr>
<td>Do you agree with the introduction of same-sex marriage, both religious and civil?</td>
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<td>Yes ☒</td>
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<td>No ☐</td>
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<tr>
<td>Don’t know ☐</td>
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<tr>
<td>Please give reasons for your answer</td>
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<td>Comments</td>
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<tr>
<td>It meets an expressed need. See answer to 12 above.</td>
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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
It would be inappropriate for the state to compel religious bodies to act contrary to their beliefs, teaching or conscience.

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
If a religious body has decided against solemnising same sex marriage any prohibition on celebrants should not be a matter of law, but should be a matter for the authority structures of the religious body, in the same way that the law authorises all celebrants to solemnise the marriage of divorcees but some religious bodies prohibit their celebrants from doing so.

Prohibitions on celebrants should not come from the state, which has no place in the disciplinary procedures or authority structures of 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
It would be inappropriate for the state to compel religious celebrants to act contrary to their beliefs, teaching or conscience.

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 ☐
Neither ☐
Don’t know ☐

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

Comments
Authorisation of religious bodies and celebrants to solemnise same sex marriages does not in itself imply an obligation to do so. Religious bodies and celebrants have always been authorised to solemnise the marriage of divorcees, and those who chose not to do so have never been required to. There is no evidence that extending celebrants’ authorisation would oblige them to contravene their churches’ stance or beliefs.

A separate list of religious bodies and particularly celebrants would be messy to administer because of the need constantly to update it.

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
Ownership of the premises already gives religious bodies control of what is permitted on their premises.
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 Until experience demonstrates that there is no longer a demand for civil partnerships they should remain available. Hypothetically it raises the possibility of opening civil partnerships to couples of the opposite sex in the interests of equality.

Experience of legislating for and administering Civil Partnerships may offer a model for future legislation to give rights and responsibilities to partnerships involving commitment, support and dependence, which are not sexual by nature but which may occur between siblings or friends.

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

1. We recognise and welcome that, with the implementation of same sex marriages, married transgender people would no longer be obliged automatically to divorce for the gender change to be legally recognised.

2. We have noted an objection from some religious bodies and some individuals that the proposals effectively redefine the word ‘marriage’, which was previously understood to be between one man and one woman. We understand, however, that language evolves and that while marriage was once understood to be indissoluble, most religious bodies and the state no longer define it as such. [Similarly, 100 years ago in Scotland, ‘minister’ once implied male gender but no longer does.]

3. We have heard the argument but are not persuaded that extending the definition of marriage to include same sex necessarily affects adversely the position of those who enjoy opposite sex marriage.