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 WOULD REPRESENT AN IMPORTANT STEP IN EQUALITY TO ALLOW ALL SECTIONS OF SOCIETY THE FREEDOM TO EXPRESS THEIR RELATIONSHIPS IN THE WAY THAT IS BEST FOR THEM. IN ORDER TO FULFILL THIS THEN AN OPTION SHOULD BE MADE AVAILABLE AND NOT RESTRICTED ON GROUNDS OF SEXUALITY.

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 IS IMPORTANT TO MAINTAIN A DISTINCTION IN LINE WITH SCOTTISH TRADITION THAT SEPARATES CIVIL AND RELIGIOUS CEREMONY. THIS DISTINCTION SHOULD REMAIN BETWEEN APPROVED CELEBRANTS AND REGISTRARS. WE ALSO BELIEVE THAT THE PROPOSALS FOR ENGLAND AND WALES DO NOT GO FAR ENOUGH IN FURTHERING EQUALITY AND EXTENDING RELIGIOUS SERVICE TO SAME SEX COUPLES.
Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>✓</td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Don't know</td>
<td></td>
</tr>
</tbody>
</table>

Please give reasons for your answer

Comments

Couples should be allowed to choose a ceremony that best suits them and their situation. Our preference is for a full religious service or marriage to be available but accept some people may be content with a blessing in line with their religion.

Again this is perhaps more of a question for the religious body but we see no harm in opening up religious premises to such ceremony provided that organisation is happy to do so.

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>✓</td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Don't know</td>
<td></td>
</tr>
</tbody>
</table>

Please give reasons for your answer

Comments

Again this should be an issue between the religious body registering the celebrant and the individuals involved.

Tradition should not be a barrier to change in this instance provided the processes maintain a distinction between religious and civil ceremony within Scotland.
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
There should be no compulsion for any religious body to act against its core beliefs. It would be hoped that over time many such bodies would become open to the process once it is in practice by other institutions.

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
There may be instances where individuals would wish to challenge a borderline position that is not representative of the members of a given religious body. This should be an individual matter between the celebrant and religious body.
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

INDIVIDUAL CELEBRANTS CAN CURRENTLY REFUSE TO CONDUCT A MARRIAGE SERVICE FOR SAME-OPPOSITE SEX MARRIAGE AND WE WOULD EXPECT THAT TO BE THE SAME FOR EQUAL MARRIAGE WHERE THERE ARE ISSUES OF RELIGIOUS 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

OPTION 1 WOULD APPEAR TO ALLOW FOR AN EXTENSION TO EQUAL MARRIAGE WITHOUT NEW LEGISLATION AND MAY SERVE TO REMOVE DISCRIMINATORY PERCEPTIONS OF THOSE BODIES WHO WISH NOT TO REGISTER CIVIL PARTNERSHIPS AGAINST THEIR WILL.
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 use of religious property should be for that religious body to decide upon.
Where several religious bodies may be shared tenants, it should be an issue for the body to whom the application has been made.
We are unsure if new legislation would be required to protect junior partners in a tenancy agreement.
**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*

*The drive to equality must include a 'normalisation' of same sex relationships. This includes extending the right to formalise that relationship in a manner best suited to the couple involved, that upholds their religious freedoms and is not denied simply on the basis of sexual orientation.*

**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*

*Again, this must be a free choice for all involved. We accept some religious bodies will not wish to take part but that should not be at the expense of those who do.*
### 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

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>As mentioned in Question 10 we believe the goal should be full equality and no group should be excluded or marginalized from a practice open to others on the basis of sexuality.</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is the established position for opposite-sex couples and as such should be extended to same-sex couples.</td>
</tr>
</tbody>
</table>
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

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

Comments

This must be for the individual to challenge from within any organisation.
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 ☑
No ☐
Don't know ☐

Please give reasons for your answer

Comments
Again this is for the individual to decide upon.

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
Option 1 would provide for a 'normalisation' of the process and again hopefully prevent a discriminatory response.
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

*This should be for each institution to decide upon.*

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 would be unnecessary provided that civil marriage remains available for those who wish no religious element.*
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).